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No. 27]

NEW DELHI, SATURDAY, JULY 7, 1984/ASADHA 16, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्त मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक प्रावेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
(कार्यालय और प्रशासनिक सुव्याप्ति विभाग)
नई दिल्ली, 20 जून 1984

आदेश

का० आ० 2149.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस
प्रयोग समिति, 1946 (1946 का 25) की धारा 6
के साथ पैठित धारा 5 की उपधारा (1) द्वारा प्रदत्त
मंत्रियों का प्रयोग करने वाले उत्तर प्रदेश सरकार को
उत्तर प्रदेश समिति से भारतीय दंड वाहन 1860 (1860 का 45)
की धारा 147, 148, 149, 302, 307, 333 के अधीन
उत्तरीय अपराधों के और उक्त अपराधों के संबंध में या
उनसे संबंधित प्रयत्नों, दुष्प्रेरणों, और घटयनों के तथा पुलिस
प्रावेश वाजार जिला गोडा (उत्तर प्रदेश) में रजिस्ट्री-
कूल अपराध सं० 35/82 की वाबत, श्री के० पी० सिंह
पुलिस उप अधीक्षक, उत्तर प्रदेश पुलिस की हत्या के संबंध
में वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य
अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्वापन के

मंत्रियों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण
उत्तर प्रदेश राज्य पर करती है।

[संख्या 228/11/84-ए०वी०-ii]
एच० के० वर्मा, अवर सचिव

MINISTRY OF HOME AFFAIRS
(Department of Personnel & Administrative Reforms)
New Delhi, the 20th June, 1984

ORDER.

S.O. 2149.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946) the Central Government with the consent of the Government of Uttar Pradesh hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for the investigation of the offences punishable under sections 147, 148, 149, 302, 307, 333 of the Indian Penal Code 1860 (45 of 1860) and attempts, abettments or conspiracies in relation or in connection with the said offences and any other offence committed in the course of the same transaction, in regard to crime No. 35/82 registered at P. S. Katra Bazar, District Gonda (U. P.) in connection with the murder of Shri K. P. Singh, Deputy Superintendent of Police, U. P. Police.

[No. 228/11/84-AVD-II]
H. K. VERMA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 अप्रैल, 1984

(आय कर)

का०आ० 2150.—इस कायलिय की दिनांक 15-10-81 की अधिसूचना स० 4262 (फा० स०, 203/107/81-आ०क० नि०-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए प्रत्यक्ष द्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्ननिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बंड (2) के प्रयोजनों के लिए "संगम" प्रबंग के अधीन निम्ननिखित गतों पर अनुमोदित किया है, अर्थात्—

1. यह कि स्टार रिसर्च सेन्टर, बम्बई, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
2. यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, एक ऐसे प्रारूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
3. यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारिया दर्शाते हुए तुलन-पत की एक-एक प्रति, प्रानवर्ष विधित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भर्जेगा।

सर्वथा

स्टार रिसर्च सेन्टर, बम्बई

यह अधिसूचना 10-9-83 से 31-12-85 तक, की अधिकृत के लिए प्रभावी है।

[स० 5761/फा० स० 203/81/84-आ०क० नि०-2]

पी० सम्प्रेसना, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 23rd April, 1984

INCOME-TAX

S.O. 2150.—In continuation of this office Notification No. 4262 (F. No. 203/107/81-ITA.II) dated 15-10-81, it

is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Associations" subject to the following conditions :—

- (i) That the Star Research Centre, Bombay will maintain a separate account of the sums received by it for scientific research
- (ii) That the said association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year
- (iii) That the said association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Star Research Centre, Bombay.

This notification is effective for a period from 10-9-83 to 31-12-1985.

[No. 5761/F No. 203/81/ITA.II]

P. SAXENA, Dy Secy

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 2 मई, 1984

का०आ० 2151.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों पर प्रयोग करने हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की भिकारिण पर एतद्वारा धोषणा करती है कि उक्त 3 नियम की धारा 31 के उपबैध उन केन्द्रीय ग्रामीण नैकों, जो कि प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) के अनुरूपता स्थापित किये गये हैं, उस सीमा तक वाग् नहीं होंगे जहां तक कि उक्त धारा को संबंध लेखा परीक्षकों की रिपोर्ट के साथ, 31 विसम्बर, 1983 तथा 31 दिसम्बर, 1984 की समाप्त होने वाले वर्षों के उसके तुलन पत्रों और लाभ-हानि लेहें के प्रकाशन की अपेक्षा से है।

[संख्या एफ० 8-11/84-आ०र० बी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 2nd May, 1984

S.O. 2151.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949

Central Government, hereby declare that the provisions of section 31 of the said Act shall not apply to the Regional Rural Banks establishment under sub-section (1) of section 21 of the Regional Rural Bank Act, 1976 (21 of 1976) in so far as the said section requires the publication of their balance sheets and profit and loss accounts together with Auditors' reports, thereon in respect of the years ending the 31st December, 1983 and 31st December 1984.

[No. F. 8-11/84-RRB]

नई दिल्ली, 18 जून, 1984

का० आ० 2152:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 2 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री बी० पी० राव को रायगढ़ क्षेत्रीय ग्रामीण बैंक, रायगढ़ का अध्यक्ष नियुक्त करती है तथा 13 मार्च, 1984 में प्रारम्भ होकर 31 मार्च, 1987 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री बी० पी० राव अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-87/82-आर० आर० बी०]

New Delhi, the 18th June, 1984

S.O. 2152.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri B. P. Rao, Chairman, Raigarh Kshetriya Gramin Bank, Raigarh and specifies the period commencing on the 13th March, 1984 and ending with the 31st March, 1987 as the period for which the said Shri B. P. Rao shall hold office as such Chairman.

[No. F. 2-87/82-RRB]

का० आ० 2153:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 2 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एस० एम० डाई को शिवपुरी गूना क्षेत्रीय ग्रामीण बैंक, शिवपुरी का अध्यक्ष नियुक्त करती है तथा 18 मई, 1984 में प्रारम्भ होकर 31 मई, 1987 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री एस० एम० डाई अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-95/82-आर० आर० बी०]

एस० एम० हसुरकर, निदेशक

S.O. 2153.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976) the Central Government hereby appoints Shri S. M. Dike, Chairman, Shivpuri Guna Kshetriya Gramin Bank, Shivpuri and specifies the period commencing on the 18th May, 1984 and ending with the 31st May, 1987 as the period for which the said Shri S. M. Dike shall hold office as such Chairman.

[No. F. 2-95/82-RRB]

S. S. HASURKAR, Director

नई दिल्ली, 19 जून 1984

का० आ० 2154:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकोण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (ग) के अनुसरण में रिजर्व बैंक के परामर्श से केन्द्रीय सरकार एतद्वारा श्री बी० सतीशचन्द्र राव, प्रबंधक, जयनगर शाखा, कौरेशीरेशन बैंक, बंगलौर को 19 जून, 1984 से कारपोरेशन बैंक के निदेशक के रूप में नियुक्त करती है।

[संख्या 9/18/84-बी० ओ०-१]

ब० बा० मीरचन्दानी, निदेशक

New Delhi, the 19th June, 1984

S.O. 2154.—In pursuance of sub-clause (c) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. Satischandri Rao, Manager, Jayanagar Branch, Corporation Bank, Bangalore as Director on the Board of Corporation Bank with effect from June 19, 1984.

[No. F. 9/18/84-BO. 1]

C. W. MIRCHANDANI, Director

वार्तालय भवान

नई दिल्ली, 19 जून, 1984

(इलायची नियंत्रण)

का० आ० 2155. —केन्द्रीय सरकार, इलायची अधिनियम, 1965 (1965 का 42) की धारा 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इलायची नियम, 1966 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

(1) इन नियमों का संक्षिप्त नाम इलायची (संशोधन) नियम, 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे, और

2. इलायची नियम, 1966 में नियम 15 के उपनियम

(1) “मैं जब तक कि समिति का गठन करने वाले सदस्य बहुमत में उपस्थित न हो” शब्दों के स्थान पर “जब तक कि समिति के सदस्यों के एक तिहाई या चार सदस्य इन दोनों में से जो भी कम हों उपस्थित न हो” शब्द रखे जाएंगे।

[फा० सं० 32/8/83-एसांट (बी)]

बी० एस० एस० नेगी, अवर सचिव

MINISTRY OF COMMERCE

New Delhi, the 19th June, 1984

(CARDAMOM CONTROL)

S.O. 2155.—In exercise of the powers conferred by Section 33 of the Cardamom Act, 1965 (42 of 1965) the Central Government hereby makes the following rules further to amend the Cardamom Rules, 1966, namely :—

1. (1) These rules may be called the Cardamom (Amendment) Rules, 1984;
- (2) These rules shall come into force on their date of publication in the Official Gazette; and
2. In the Cadamom Rules, 1966, in Sub-rule (1) of rule 15, for the words "a majority of the members constituting the Committee" the words "one third of the members of the Committee or four members, whichever is less" shall be substituted.

[F. No. 32/8/83-Plant (B)]

B. M. S. NEGI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

मई दिल्ली, 14 जून, 1984

का० आ० 2156:—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय आयुर्विज्ञान परिषद से परामर्श करते के बावजूद उक्त अधिनियम की पहली अनुसूची में निम्नलिखित और संशोधन करती है। अर्थात् :—

उक्त अनुसूची के अंत में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी। अर्थात् :—

“गुलबर्ग बेचुलर आफ मेडिसिन एम० बी० बी० एस० विश्वविद्यालय एंड बेचुलर आफ सर्जरी “गुलबर्ग”

[स० बी० 11015/1/83-एम०ई० (पी)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 14th June, 1984

S.O. 2156.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the said Schedule, the following entries shall be added at the end, namely :—

“Gulbarga Bachelor of Medicine MBBS, Gulbarga University. and Bachelor of Surgery.

[No. V-11015/1/83-ME(P)]

मई दिल्ली, 19 जून, 1984

का० आ० 2157:—यह भारतीय आयुर्विज्ञान परिषद (स्नातकोत्तर चिकित्सा शिक्षा मणित) नियमावली, 1961 के नियम-4 के उप-नियम (2) के साथ पठें - भारतीय आयुर्विज्ञान परिषद, 1956 (1956 का 102) की धारा-20 की उप-धारा (3) के अनुसरण परिषद ने 21, मार्च 1984 से डॉ. एस० आर० के० हरनाथ के स्थान पर डॉ. आर० के० गांधी के स्नातकोत्तर चिकित्सा शिक्षा मणित का सदम्ह निर्वाचित किया है।

अतः यह केन्द्रीय सरकार उक्त अधिनियम की धारा 20 की उप-धारा (3) के अनुसरण में भारत सरकार स्वास्थ्य तथा परिवार कल्याण मंत्रालय की (स्वास्थ्य विभाग) की पहली अप्रैल, 1980 की अधिसूचना का० आ० संख्या 1030 में एतद्वारा निम्नलिखित और मशोधन करती है, अर्थात् उक्त अधिसूचना में “भारतीय आयुर्विज्ञान परिषद द्वारा निर्वाचित” शब्द के अंतर्गत क्रम संख्या 3 तथा उसमें संबंधित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :

“3. डॉ. आर० के० गांधी,
मकान नं० 2, कॉप्स कार्नर,
बम्बई-36”

[स० बी० 11019/1/80-एम०ई० (पालीसी)]

पी० सी० जैन, अध्यक्ष सचिव

New Delhi, the 19th June, 1984

S.O. 2157.—Whereas the Medical Council of India have in pursuance of the sub-section (3) of section 20 of the Indian Medical Council Act, 1956 (102 of 1956) read with sub-rule (2) of rule 4 of the Indian Medical Council (Post-graduate Medical Education Committee) Rules, 1961, elected Dr. R. K. Gandhi vice Dr. P. S. R. K. Haranath as member of the Post-graduate Medical Education Committee with effect from the 21st March, 1984.

Now, therefore, in pursuance of sub-section (3) of section 20 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) S.O. No. 1030 dated the 1st April, 1980, namely :—

In the said notification, under the heading “elected by the Medical Council of India” for serial number and the entry relating thereto, the following shall be substituted, namely :—

“3. Dr. R. K. Gandhi,
House No. 2, Kamp's Corner, Bombay-36.”

[No. V-11019/1/80-ME(P)]

P. C. JAIN, Under Secy.

इस्पात और खान मंत्रालय

(इस्पात विभाग)

नई दिल्ली, 19 जून, 1984

का० आ० 2158.- केन्द्रीय सरकार, सरकारी स्थान (प्राधिकारी अधिकारियों की बैद्यती) अधिनियम, 1971 (1971 का ४०) की धारा ३ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे को संरणी के स्वंभू (१) में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी है उक्त अधिनियम के प्रयोगों के लिए संपदा अधिकारी नियुक्त करती है और यह और निदेश देती है कि उक्त अधिकारी, उक्त सारणी के स्वंभू (२) में विनिर्दिष्ट प्रबंगों के सरकारी स्थानों की वाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेगा और उन पर ग्रधिकारियों के विवरों का पालन करेगा।

सारणी

अधिकारी का पद नाम	सरकारी स्थानों के प्रबंग और अधिकारिता की स्थानीय सीमाएं
(१)	(२)
अधीक्षण इंजीनियर (नगरी) स्टील अथारिटी आफ इडिया स्टील अथारिटी आफ इडिया लिमिटेड के और उसके प्रशासनिक नियंत्रण के अधीन और सेलम जिले की सेलम, संकारी, अमालुर और येरकाईड की तहसीलों में स्थित स्थान।	

[फा० सं० ए एम पी -12(१)/८४]

जी० एम० मुट्नेजा, अव० सचिव

MINISTRY OF STEEL AND MINES

(Department of Steel)

New Delhi, the 19th June, 1984

S. O. 2158.- In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (० of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of Gazetted Officer of Government, to be Estate Officer for the purposes of the said Act and further directs that the said officer shall exercise the powers conferred and perform the duties imposed, on Estate Officer, by or under the said Act within the local limits of his jurisdiction, in respect of the categories of public premises specified in column (2) of the said Table.

TABLE

Designation of Officer	Categories of Public Premises and Local limits of jurisdiction
(१)	(२)
Superintending Engineer (Township), Steel Authority of India Limited, Salem Steel Plant, Salem, Tamil Nadu	Premises belonging to and under the administrative control of Steel Authority of India Limited and situated in Salem, Salem, Omalur and Yercard Talukas of Salem District in Tamil Nadu [F. N. : ASI-1-L-84] G. M. MUTNEJA Under Secy.

कृषि मंत्रालय

(कृषि और सहक रिता विभाग)

नई दिल्ली, 19 जून, 1984

का० आ० 2159.- पशु आयात अधिनियम १९९३ (1898 का अधिनियम १) का खंड ३, उपखंड (१) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार २७-५-१९६४ में छ: महीने को अवधि के लिए य० के०, आयरलैण्ड फास, अमरीका, आस्ट्रेलिया, पश्चिमी जर्मनी, वैलजियम, जापान, आस्ट्रिया, डेनमार्क, इटली, स्वीडन, यूरोपियन विद्या, ब्राजील, चैकोस्लोवेकिया से अश्वजातीय पशुओं के आयात पर एतद्वारा प्रतिबंध लगाती है। यह प्रतिबंध ५ वर्ष तक की आयु के अश्वकों और अश्व-शब्द को (फोलीज) पर लागू नहीं होगा जिनकी वज्री मेल नहीं करती। यहां है और जो प्रजनक स्टाक के मप्पर्क में नहीं रहे हैं, वश्वते कि :-

(क) अधिनियम के प्रत्यंत विनिर्दिष्ट स्वास्थ्य अवधारणा के प्रतिरक्त युवा अश्वजातीय पशुओं का संथ प्राधिष्ठन पशु-चिकित्सक का इस आशय का पशु चिकित्स व्यवधी एक स्वास्थ्य प्रमणिक है कि पशु गत ८८ वर्ष के दौरान प्रजनक स्टाक के मप्पर्क से नहीं रहा है और इन पशुओं के विगच्छ तथा मूलद्वार (योनि और सरविक्स) से एकवंश की गई फुरेरी मानक संबंधनिक और सीरम मवधी पद्धतियों द्वारा व्याधि विषयक सूक्ष्म अणुओं, विषेष तर हीमोफिलियस इक्वीजेनीटिलिस के लिए तिर्यों हेतु पेल रोहण के ३० दिनों के अंदर निरन्तर नीन परीक्षण करने पर नकारात्मक पर्द गई है।

(ल) भारत में प्राप्त किए जाने पर आयातित पशुओं का जैव संवर्तन उत्तर स्वीकृत परिवर्तन में, ५ दिन तक अन्तर्वर्ती रखा जाएगा। संग्रही विवरों की अवधि के दौरान पशुओं की एक मान्यताप्राप्त प्रयोगशाला

में साप्ताहिक अनरल पर निश्चिर तैनात वार जन्मणु और सीरम संबंधी अवधेनिवां जाव को जाएगी और मंकामक अष्वज.त्व.प्र मैट्रिएटिस (नोन्टेजियेस इवकाईज मैट्रिएटिस) राज के लिए नकारात्मक घोषित किए जाने के बाद ही इन पशुओं का अन्य पशुओं के साथ नित्य आएगा।

[मं. 50-22/77-एल.डी.० डी० (एल०एच०ए०क्य०)-भग II]
टी० आर० लेहन, अवर सचिव (पशु पालन)

MINISTRY OF AGRICULTURE
(Dept. of Agriculture & Cooperation)

New Delhi, the 19th June, 1984

S.O. 2159.—In exercise of the powers conferred by sub-section (i) of Section 3 of Livestock Importation Act, 1898 (Act 9 of 1898), the Central Govt. hereby prohibit for a period of six months with effect from 27-5-1984 the import of equine species of animals from U. K., Ireland, USA, France, Australia, Federal Republic of Germany, Belgium, Japan, Italy, Austria, Denmark, Brazil, Yugoslavia, Czechoslovakia and Sweden or from any other country where such a stock has originated, reared or visited the above specified countries during the last 12 months, except colts and fillies upto 4 years of age which have never been mated and have not been in contact with breeding stock provided that :—

- (a) In addition to the health requirements specified under the Act, the young equines are accompanied by a Veterinary Health Certificate from an authorised veterinarian that the animals have not been in contact with the breeding stock during the last one year and that the swabs collected from prepuce Urethra/Vagina Carvix of these animals were found negative for pathogenic micro-organisms specifically *Haemophilus equigenitalis*, by standard culture and serological methods on three consecutive testing within 30 days of embarkation for export.
- (b) On the receipt in India such imported animals are kept in quarantine for a minimum period of 30 days at the premises approved by the Ministry of Agriculture. During the quarantine period, the animals shall be subjected to bacteriological and serological examination by a recognised lab. on three consecutive occasions conducted at weekly intervals and will be mixed with other stock only when declared negative for contagious equine metritis infection.

[No. 50-22/77-I.D.T. (L.H.A.Q.)-Part II]
T. R. TREHAN, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 19 जून, 1984

का० आ० 2160—चलचित्र अधिनियम, 1952 (1952 का 37) को धारा 9 द्वारा प्रदत्त ग्रक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एन्ड्रुरा केन्द्रीय फिल्म प्रमाणन बोर्ड द्वारा प्रमाणित फिल्मों (बीडियो फिल्मों को छाड़कर) के संबंध में फिल्म की एक प्रिंट वीडियो कापी को जमा करने से सबधित चलचित्र (प्रमाणन) नियम, 1983 के नियम 28 के उप नियम (1) के उपबन्धों से 17-6-84 से 16-8-84 तक की अवधि के लिए इस ग्रन्ति पर छूट देनी है।

कि आवेदक फिल्म की शूटिंग स्टेट का केन्द्रीय फिल्म प्रमाणन बोर्ड के पास जमा करेगा।

[फाइल संख्या 806/21/83-एफ (सी)]
क० एस० वैक्टरामन, अवर सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 19th June, 1984

S.O. 2160.—In exercise of the powers conferred by section 9 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby grants exemption from the provisions of sub-rule (2) of rule 28 of the Cinematograph (Certification) Rules, 1983 relating to deposit of a print/video copy of the film in respect of films (excluding video films) certified by the Central Board of Film Certification for the period 17-6-84 to 16-8-84 subject to the condition that the applicant shall deposit a shooting script of the film to the Central Board of Film Certification.

[File No. 806/21/83-F(C)]
K. S. VENKATARAMAN, Under Secy.

नौवहन और परिवहन मंत्रालय
(परिवहन पक्ष)

नई दिल्ली, 21 जून, 1984

का० आ० 2161.—विशाखापत्तनम अर्जिस्ट्रीकून डाक कर्मकार (नियोजन का विनियमन), 1968 का और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा, (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाना चाहती है, उक्त उपधारा की अपेक्षानुसार ऐसे भभी व्यक्तियों की जानकारी के लिए प्रकाशित बिया जाता है, जिनके उमसे प्रभावित होने की भभावना है। इसके द्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के गाजपत्र में प्रकाशन की तारीख से दो मास की अवधि की भभावन पर या उसके पश्चात् विभाग, किया जाएगा।

ऐसे आक्षेपों या सुझावों पर जो पूर्वोक्त अवधि से पहले उक्त प्रारूप की बाबत किसी व्यक्ति से प्राप्त होंगे केन्द्रीय सरकार विचार करेंगे।

प्रारूप स्कीम

1. इस स्कीम का सक्षिप्त नाम विशाखापत्तनम अर्जिस्ट्रीकून डाक कर्मकार (नियोजन का विनियमन) (संशोधन) स्कीम, 1984 है।

2. विशाखापत्तनम अर्जिस्ट्रीकून डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 के खंड 27 के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् —

“27: अवकाश विषय प्रत्येक सूचीबद्ध कर्मकार, एक वर्ष में अधिक से अधिक 9 दिन का अवकाश पाने

का हकदार होगा। उसे ऐसे भवित्वात् के निए कालानुपाती दर से मजदूरी का भदाय किया जाएगा जिसके अंतर्गत ऐसे प्रवर्ग का समाजिक महंगाई भत्ता है जिसका वह स्थायी सदस्य है।"

[फा० सं० ए८० डी० वी०/38/83-ए८-IV]

सुदेश कुमार, अव० सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 21st June, 1984

S.O. 2161.—The following draft of a scheme further to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of two months from the date of publication of this notification in the Official Gazette;

Any objections or suggestions which may be received from any person with respect to said draft before the aforesaid period will be taken into consideration by the Central Government.

DRAFT SCHEME

1. This scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) (Amendment) Scheme, 1984;

2. In the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, for clause 27, the following clause shall be substituted, namely :—

"27. Holidays.—Such listed worker shall be entitled to holidays not exceeding 9 days in a year. He shall be paid for the holidays at the time-rate wage inclusive of dearness allowance appropriate to the category to which he permanently belongs."

[F. No. L.D.V./38/83-I-I]

SUDESH KUMAR, Under Secy.

अम और पुनर्वास मंत्रालय

(श्रम विभाग)

नई दिल्ली, 21 मई, 1984

अदेश

का० आ० 2162—केन्द्रीय सरकार की राय के लिए इसमें उपावह अनुसूची में विनिर्दिष्ट विषय के बारे में परिचय नेतृत्व के प्रबंधतंत्र से सम्बद्ध एक श्रीदोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

अंग बेन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चांडीनीय समझनी है,

अतः केन्द्रीय सरकार, श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (i) के अंडे (घ) द्वारा प्रदत्त जवित्रों का प्रयोग करते हुए, एक श्रीदोगिक अधिकरण गठित करती है जिसके पीटन्मित श्रीदोगिक थी महेन्द्र भूषण शर्मा होंगे, जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या उत्तरी रेलवे, बीकानेर के डी० पी० ओ० में काम करने वाले एक कर्मचारी श्री पृथ्वीराज सिंह सुपुत्र श्री आशुराम "टी० वाई० बी० ए८८ खलामी" की सेवाओं को 12-10-80 से समाप्त करने की कार्रवाई न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?"?

"क्या उत्तरी रेलवे, बीकानेर के डी० पी० ओ० में काम करने वाले नैमित्तिक कर्मकार श्री प्रह्लाद कुमार सुग्रव श्री उजागरलाल की सेवाओं को 5-8-81 में समाप्त करने की कार्रवाई न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?"?

[सं० ए८०-41012/39/83-डी-II (बा)]

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour)

New Delhi, the 21st May, 1984

ORDER

S.O. 2162.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Western Railway and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refer the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the termination of services of Shri Prithviraj Singh S/o Assu Ram, Ty. B. Smith Khalasi, an employee working under the D.P.O. N. Rly. Bikaner with effect from 12-10-1980 is justified and legal? If not, to what relief the workman is entitled?"

"Whether the termination of services of Shri Prahalad Kumar S/o. Shri Ujagar Lal, Castal workman under the D.P.O.N. Rly. Bikaner with effect from 5-8-1981 is justified? If not, to what relief he is entitled?"

[No. L-41012/39/83-DII (B)]

नई दिल्ली, 23 मई, 1984

अदेश

का० आ० 2163—केन्द्रीय सरकार की राय है कि इसमें उपावह अनुसूची में विनिर्दिष्ट विषय के बारे में परिचय नेतृत्व के प्रबंधतंत्र से सम्बद्ध एक श्रीदोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

श्री बेन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चांडीनीय समझनी है,

अतः केन्द्रीय सरकार, श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (i) के खण्ड (ध) वारा प्रवस अनियों का प्रयोग करने हुए, एक श्रीधोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० एन० लालगे होंगे, जिनका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या पश्चिम रेलवे के प्रबंधतत्र द्वारा तारीख 23 जुलाई, 1976 और 8 जून, 1981 के प्रबंधनतंत्र के परिपत्र के मुकाबले ‘प्रोपन लाइनों’ में विनिर्माण यूनिटों के 20 प्रतिशत श्रमिकों की स्क्रीनिंग करने और खपाने की अनुमति न देने की कार्रवाई न्यायोचित है? यदि नहीं, तो विनिर्माण यूनिटों के नैमित्तिक श्रमिक किस अनुतोष के हकदार हैं?”

[सं० एल-41011/60/83-डी-II(बी)]

ORDER

New Delhi, the 23rd May, 1984

S.O. 2163.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Administration and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officers, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Western Railway in not allowing 20 percent labour of construction units for screening and absorption on open line vis-a-vis Circular of the management dated the 23rd July, 1976 and 8th June, 1981 is justified? If not to what relief the casual labour of the construction units is entitled for?”

[No. L-41011(60)/83-D II(B)]

आदेश

नई दिल्ली, 7 जून, 1984

का० आ० 2164.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्विष्ट विषय के बारे में सदृश्यक अभियन्ता, टेलीफोन एक्सचेंज, अलसूर, बंगलौर के प्रबंधतंत्र में सम्बद्ध एक श्रीधोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बाध्यनीय समझती है;

अतः केन्द्रीय सरकार, श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की

उपधारा (i) के खण्ड (ध) द्वारा प्रवस शक्तियों का प्रयोग करते हुए, एक श्रीधोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० एन० लालगे होंगे, जिनका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या टेलीफोन एक्सचेंज, बंगलौर के सहायक अभियन्ता से मरम्भ डाक-व्यापार प्रबंध तंत्र की नैमित्तिक श्रमिक, श्रीमती पोलिना की 16-9-1982 से सेवा समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?”

[सं० एल-40012/6/83-डी-II (बी)]

ORDER

New Delhi, the 7th June, 1984

S.O. 2164.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Management of Assistant Engineer, Telephone Exchange, Ulsoor, Bangalore and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. N. Lalage shall be the Presiding Officer with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of P&T Department in relation to their Assistant Engineer of Telephone Exchange, Bangalore in terminating the services of Smt. Polina, a casual Labourer with effect from 16-9-82 is justified? If not, to what relief is the workman entitled?”

[No. I-40012(6)/83-D.II(B)]

आदेश

का० आ० 2165.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्विष्ट विषय के बारे में छींजतन इजीनियर टेलीफोन, बीकानेर के प्रबंधतंत्र से सम्बद्ध एक श्रीधोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

श्रीर केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बाध्यनीय समझती है,

अतः केन्द्रीय सरकार, श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10

की उपधारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक श्रीदायगिक अधिकरण गठित करते हैं जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या डिवीजनल इंजीनियर टेलीग्राफ, बीकानेर से सम्बद्ध डाटा व तार प्रबंधतंत्र को नैमित्तिक श्रमिक, श्री सप्तर्ण चौधरी की 30-4-82 से भेवा समाप्त करने की कार्यवाही न्यायोनित है? यदि नहीं तो, श्री रुप चन्द्र चौधरी निस अनुताप के हकदार है?”

[सं. एल-०४००१२/४/८३-डो-२(बो)]

दो० बो० सीतारमन, अवर सचिव

ORDER

S.O. 2165.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Divisional Engineer Telegraph, Bikaner and their workman in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of P&T management in relation to their Divisional Engineer Telegraph Bikaner is justified in terminating the services of Shri Roopchand Choudhary, Casual workman with effect from 30-4-82? If not, to what relief is Shri Roopchand Choudhary entitled?”

[No. L-40012(4)/83-D. II(B)]

T. B. SITARAMAN, Under Secy.
नई दिल्ली, 26, मई 1984

आदेश

का० आ० 2166.—केन्द्रीय सरकार की राय है कि इससे उपायकार्य अनुसूची में विनिर्दिष्ट विषय के बारे में मैसर्स वैस्टर्न कोलफील्ड्स लि० के प्रबंधतंत्र से संबद्ध एक श्रीदायगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

श्रीर केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करता बांधनीय समझती है;

अतः केन्द्रीय सरकार, श्रीदायगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 के और 10 की उपधारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक श्रीदायगिक अधिकरण गठित

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करती है जिसके पीठासीन अधिकारी श्री ए० डब्ल्यू० पोंधधर होंगे, जिनका मुख्यालय नागपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स कोलफील्ड्स लि० की काम्पटी कॉलियरी के प्रबंधतंत्र द्वारा श्री महेन्द्र भलाह, स्विच अटेंडेन्ट और काली चरण पातरदौ, लोडर को 4-1-83 से उनकी सेवाओं से हटाने की कार्यवाही उनके द्वारा किए गए अविक्षित कदाचार के प्रसंगत है? यदि हाँ, तो ये कर्मकार किस अनुताप के हकदार हैं?”

[एल 22012/129/83-डो-३ (बी)/डो-५]

एस०एस० मेहता, डेस्क अधिकारी

New Delhi, the 26th May, 1984

ORDER

S.O. —Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Kampte Colliery of M/s. Western Coalfields Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri A. W. Pondharkar, shall be the Presiding Officer with headquarters at Nagpur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Kampte Colliery of Western Coalfields Limited in dismissing Shri Mahesh Mallah Switch Attendant and Shri Kalicharan Pataroo Loader from their service with effect from 4-1-83 is disproportionate to the alleged misconduct committed by them? If so to what relief the workmen are entitled?”

[No. L-22012(129)/83-D. III(B)/D.V.]

S. S. MEHTA, Desk Officer

नई दिल्ली, 6 जून, 1984

आदेश

का० आ० 2167.—केन्द्रीय सरकार की राय है कि इससे उपायकार्य अनुसूची में विनिर्दिष्ट विषय के बारे में मैसर्स मित्र सेन एण्ड कॉ० कन्ट्रैक्टर्स कॉलियरी श्रावरन माईन्स आफ उड़ीसा माईनिंग कारपोरेशन लि०, मैसर्स बारबिल माईनिंग क०, कन्ट्रैक्टर, काल्टा श्रावरन माईन्स आफ राउरकेला स्टील प्लाट और मैसर्स कर्लिंग माईनिंग एण्ड ट्रांसोर्टिंग क० कन्ट्रैक्टर काल्टा श्रावरन और माईन्स, राउरकेला स्टील प्लाट के प्रबंधतंत्र से सम्बद्ध एक श्रीदायगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है।

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (i) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री जे० एम० महापात्र होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकारण को न्यायनिर्णयन के लिए निर्देशित करती है।

प्रमुखूची

“व्या राक्सी रेलवे माइंजिंग के बैंगन लोडरों द्वारा उन दिनों के लिए जब काई बेगन सप्ल ई नहीं हात, निवाह यात्रा मजदूरी भुगतन की मात्र न्यायालय है? यदि हाँ, तो संबंधित कर्मकार फिस अनुताप के हकदार हैं?

[रो० एम०-26011/9/83-ड००-३ (बी०)]

नन्द लाल, अवर सचिव

New Delhi, the 6th June, 1984

ORDER

S.O. 2167.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Messrs Mitteren & Co. Contractors, Kasira Iron Mines of Orissa Mining Corporation Ltd., Messrs, Barbil Mining Co., Contractor, Kalta Iron Mines of Rourkela Steel Plant and Messrs Kalinga Mining & Transporting Co., Contractor, Kalta Iron Ore Mines, Rourkela Steel Plant and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. M. Mohapatra shall be the Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of wagon loaders of Roxy Railway siding for payment of fall back wages on the days when there is no wagon supply is justified? If so, to what relief are the workmen concerned entitled?

[No. L-26011/9/83-D.III(B)]

NAND LAL, Under Secy.

पुनर्वासि विभाग

नई दिल्ली, 13 जून, 1984

का०आ० 2168:- विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्रीय सरकार इसके द्वारा पुनर्वासि विभाग के अधीन बन्दोबस्त विभाग में बन्दोबस्त अधिकारी श्री टी० एस० चावला को उक्त अधिनियम द्वारा अथवा उसके अधीन प्रबन्ध अधिकारी को

सौंपे गए कार्यों का निष्पादन करने के प्रयोजनार्थ उपने कार्यपाल के अतिरिक्त 22 मई, 1984 से प्रबन्ध अधिकारी नियुक्त करती है।

2. इससे इस विभाग को दिनांक 23 अगस्त, 1982 की अधिसूचना संख्या 1/17/वि०से०/82-एम० एस० II (बी०) का अतिक्रमण किया जाता है।

[संख्या-1 (10)/वि०से०/84-एस० एस० II]

रत्न लाल, अवर सचिव

(Department of Rehabilitation)
New Delhi, the 13th June, 1984

S.O. 2168.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri T. S. Chawla Settlement Officer in the Settlement Wing under the Department of Rehabilitation as Managing Officer in addition to his own duties for the purpose of performing the functions assigned to such officer by or under the said Act with effect from 22-5-1984.

2. This supersedes this Department's Notification No. 1(17)/Spl. Cell/82-SS. II(B), dated 23-8-1982.

[No. 1(10)/Spl. Cell/84-SS. II]

RATTAN LAL, Under Secy.

(श्रम विभाग)

नई दिल्ली, 18 जून, 1984.

का०आ० 2169:- बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 तथा नियम 16 के उप नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम, 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत के राजपत्र के भाग II खण्ड 3, उप खण्ड (ii) दिनांक 20 दिसम्बर, 1980 के पृष्ठ 4380-4381 पर प्रकाशित अधिसूचना संख्या का०आ० 3589 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना के अमांक 3 तथा पैरा 2 के सामने निम्नलिखित रखा जाएगा, अर्थातः—

अमांक 2	कल्याण आयुक्त,
	श्रम कल्याण संगठन,
	डॉ० संख्या 1-7-145/प्लाट सं० 6,
	श्री निवास नगर कालोनी,
	सुभाष टाकोज के सामने,
	हैवरीबाद-500048. उपाध्यक्ष पदेन

पैरा 2 केन्द्रीय सरकार हैदराबाद को उक्त समिति का मुख्यालय निर्धारित करती है।

[संख्या एस०-24019/14/78-एम० 5/डब्ल्यू II]

कंवर राजेन्द्र सिंह, अवर सचिव

Department of Labour

New Delhi, the 18th June, 1984

S.O. 2168:—In exercise of the powers conferred by Section 5 of the Beedi Workers Welfare Fund Act, 1976 (Act 62 of 1976) read with sub-rule (2) of Rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby makes the following amendments in the Notification number S. O. 3589 published at pages 4380-4381 of part II Section 3 sub-section (ii) of the Gazette of India dated the 20th December, 1980.

In the said notification, against Serial No. 2 and in Para 2 the following shall be substituted namely:—

Serial No. 2 Welfare Commissioner,
Labour Welfare Organisation,
D. No. 1-7-145/Plot No. 6,
Srinivas Nagar Colony,
Opposite Subhash Talkies,
Hyderabad-500048. —Vice Chairman
ex-officio

Para 2. The Central Government fixes Hyderabad to be the Headquarter of the said Committee.

[No. S-24019/14/78-M. V/W. II]

KANWAR RAJINDER SINGH, Under Secy.

नई दिल्ली, 18 जून, 1984.

वा० श्रा० 2170:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एडोर ट्रैवल्स प्राईवेट लि०, एडोर हाउस, ग्राउंड फ्लॉर, 6 के, दुबास मार्ग बम्बई-23 और इसकी शाखाएं (i) 409/41, सूर्य किरण, 19, कस्टरबा गांधी मार्ग, नई दिल्ली और (ii) 80, इनफेन्ट्री रोड, कल्पतरु सुपर मार्किट के पास बंगलौर में स्थित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रिया उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एच०-35018(9)/84/पी० एफ०-2]

New Delhi, the 18th June, 1984

S.O. 2170.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Ador Travels Pvt. Ltd., Ador House, Ground Floor, 6K, Dubash Marg, Bombay-23 including its branches at (i) 409/41, Surya Kiran 19, Kasturba Gandhi Marg, New Delhi-110001 (ii) 80, Infantry Road, Next to Kalpataru Super Market, Bangalore-560001, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(9)/84-PF. II]

नई दिल्ली, 19 जून, 1984

शुद्धि-पत्र

का० श्रा० 2171—भारत के राजपत्र, भाग 2, खण्ड 3, उप खंड (ii) तारीख 18 अक्टूबर, 1980 में पृष्ठ 3647 पर प्रकाशित भारत सरकार के तत्कालीन श्रम मंत्रालय की अधिसूचना संख्या का० आ० 2818, तारीख 1 अक्टूबर, 1980 में—

(i) पंक्ति 6 तथा 15 में "(2क)" के स्थान पर "(2ब)" पढ़ें।

(ii) पंक्ति 8 में कर्मचारियों के स्थान पर "नियमित कर्मचारियों पढ़ें।

(iii) पंक्ति 16 में "उक्त स्थापन" के स्थान पर "उक्त स्थापन के नियमित कर्मचारियों" पढ़ें।

[संख्या एस-35014/96/80-भ० नि०-2]

New Delhi, the 19th June, 1984

CORRIGENDUM

S.O. 2171.—In the notification of the Government of India in the late Ministry of Labour S.O. 2818 dated the 1st October, 1980 published in the Gazette of India, Part II Section 3 sub-section (ii) dated the 18th October, 1980, at page 3647,

(i) in line 4 and 16 for "(2A)" read "(2B)".

(ii) In line 8, for the word "employees" read "regular employees".

(iii) in line 19, for the words 'said establishment' read 'regular employees of the said establishment'.

[No. S-35014/96/80-PF. II]

का० श्रा० 2171—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री निवास एनवायरड सिस्टम्स प्रा० लि० सी 1, 39/13-16, जी. आई. जी. सी. फेज-3, नरोडा, महमदाबाद 30 और रजि० आफिस 198-ए, जे ब्लाक, न्यू एयर पोर्ट कलकत्ता-53 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रिया उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(110)/84/पी० एफ-2]

S.O. 2172.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Shrinivas Enviro Systems Pvt. Ltd., C-1/39/13-16, G.I.D.C. Phase-III, Naroda, Ahmedabad-30 including its Regd. Office at 198-A, 'J' Block, New Airport, Calcutta-53, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(110)/84-PF. II]

का० आ० 2173:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एलमेट इन्डस्ट्रीज, 3-ए होमी बाबा एवेन्यू, (एनेक्स), इलट्रोकल एण्ड इलट्रोनिक्स इन्डस्ट्रीजल एस्टेट, होसुर-635109 तमिल नाडू तथा 15-हाउडीन रोड, बंगलीर स्थित इसके प्रशासनिक कार्यालय सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियाँ दू प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन लागू करता है।

[सं० एस० 35019(121)/84/पी० एफ० 2]

S.O. 2173.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Almet Industries, 3-A, Homi Baba Avenue (Annexe), Electrical and Electricals Industrial Estate, Hosur-635109, Tamil Nadu including its Administrative Office at 15-Haudin Road, Bangalore have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(121)/84-PF. II]

का० आ० 2174:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हिन्दुस्तान फैब्रिकेटर्स, द्वारा हिन्दुस्तान वार्ष एम्पोरियम, मैन रोड, रुकेला-769001, उड़ीसा नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध स्थापन करती है।

[सं० एस० 35019(122)/84/पी० एफ० 2]

S.O. 2174.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hindustan Fabricators, C/o Hindustan Watch Emporium, Main Road, Rourkela-769001, Orissa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central

Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(122)/84-PF. II]

का० आ० 2175:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मगन्ती आदर्स, डेवलपेड प्लाट 7 तथा 8, इण्डस्ट्रीयल एस्टेट, गुइन्डी, एस्टेट, गुइन्डी, एकाटथान्गल डाकघर भद्रास-600097, तमिल नाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन का लागू करती है।

[सं० एस० 35019(123)/84/पी० एफ० 2]

S.O. 2175.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Maganti Brothers, Developed Plot 7 & 8, Industrial Estate, Guindy, Ekatuthangal Post, Madras-600097, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(123)/84-PF. II]

का० आ० 2176:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजन प्रेस, 64-ईस्ट मैन स्ट्रीट, थान्जावूर-613001 तमिल नाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उक्त उपबंध स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध का लागू करती है।

[सं० एस० 35019(124)/84/पी० एफ० 2]

S.O. 2176.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Rajan Press, 64, East Main Street, Thanjavur-613001, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(124)/84-PF. II]

का० आ० 2177:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एस० आर० सुनील एण्ड कम्पनी, टैनेरी मालीगाई थोपे, एम्बूर-635802, एन० ए० डिस्ट्रिक्ट, तमिलनाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहु-संख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(125)/84-पी०एफ-2]

S.O. 2177.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs S. R. Sunil & Co. Tannery Maligai Thope, Ambur 635802, N. A. District, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(125)/84-PF. II]

का० आ० 2178:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बाब्बे मुन्दर विलास ब्रियनी होटल, 24-चेयरमैन वैकटप्पा रोड शेवपेट, सालेम-2, तमिलनाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहु-संख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(126)/84-पी०एफ-2]

S.O. 2178.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Bombay Sundaravilas Briyani Hotel, 24 Chairman Venkatappa Road, Shevapet, Salem-2, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(126)/84-PF. II]

का० आ० 2179:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एन्टरप्राइजिज माउथ, सं० 22, पार्कफ्लॉस रोड

प्रथम गली, मद्रास-600014, तमिलनाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारीयों की बहु-संख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(127)/84-पी०एफ-2]

S.O. 2179.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Nippon Enterprises South, No. 22, Pycrofts Road, 1st Street, Madras-600014, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(127)/84-PF. III]

का० आ० 2180:- केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एशियन टैक्सटाइल्स एक्सपोर्टर्स, 9 ए०, रेलवे स्टेशन रोड, पल्ली आपालाया इंटरेक्ट-6, तमिलनाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहु-संख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/128/84-पी०एफ-2]

S.O. 2180.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Asian Textiles Exporters, 90A, Railway Station Road, Palliappalayam, Erode-6 Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(128)/84-PF. II]

का० आ० 2181 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कोलूर व्यवसाय सेवा सहकारी संघ नियमिता, डाकधर कोलूर जिला बैलारी, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक आर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि आर प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[स० एस-35019 (116)/84-पी० एफ०-2]

S.O. 2181.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Kolar Vyavasaya Seva Sahakari Sangha Niyamitha, Kolar Post, Bellary District Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(116)/84-PF. II]

का० आ० 2182 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हस्त एण्ड कम्पनी, बेसमेट स० 1, बम्बई मार्किट टारडुयों में रोड, बम्बई-३१ नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[स० एस-35018 (8)/84-पी० एफ०-2]

S.O. 2182.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Fasmat and Company, Basement No. 1, Bombay Market Parade Main Road Bombay-34, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(8)/84-PF. II]

का० आ० 2183 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री सिद्धनाथ सहकारी पाणी पुरखा संस्थान पर्यादित कापूस ब्लॉड नालूका बालू, जिं सांगली ना० ५

स्थापन के सम्बद्ध नियाजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[स० एस-35018 (7)/84-पी० एफ०-2]

S.O. 2183.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Shri Siddhanath Sahakari Panl Purvatha Sanstha, Maryadit, Ltd, Post Kapuskhed, Taluka Walva, Distt. Sangli have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(7)/84-PF. II]

का० आ० 2184 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फैडरेशन एफैसपोर्ट ऑर्गेनाइजेशन, इलाहाबाद बैंक बिल्डिंग, 17 पारियामेट स्ट्रीट नई दिल्ली-नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[स० एस-35019 (108)/84-पी० एफ०-2]

S.O. 2184.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Federation of Indian Export Organisation, Allahabad Bank Building, 17, Parliament Street, New Delhi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(108)/84-PF. II]

नई दिल्ली, 20 जून, 1984

का० आ० 2185 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डी०टी० लिवेदी थामरा, जिं कोडा गुजरात। नामक धापन के सम्बद्ध नियोजक अचक्यों कमररों कम

बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस. 35019(132)/84-पी.एफ.०-२]

New Delhi, the 20th June, 1984

S.O. 2185.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs D. D. Trivedi at Thasra, District Kaira, Gujarat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(132)/84-PF. II]

का०आ० 2186 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सी०पी० चेवली वाईंडिंग वर्क्स, 4/1242, फल्सवाडी बेगमपुरा, सूरत नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019(133)/84-पी.एफ.०-२]

S.O. 2186.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs C. P. Chevli Winding Works, 4/1242, Falsawadi, Begampura, Surat (Gujarat) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(133)/84-PF. II]

का०आ० 2187 —केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वैट्रीवैल वाम्बे आइंग एक्स्क्लूसिव शो रूम 420 बिंग ब्राजार स्ट्रीट, सैलेम-636001, तमिलनाडु नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस. 35019(129)/84-पी.एफ.०-२]

S.O. 2187.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Vetrivel Bombay Dyeing Exclusive Show Room, 420-Big Bazar Street, Salem-636001, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(129)/84-PF. III]

का०आ० 2188—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जय एजेंसीज, लक्ष्मी बिल्डिंग, स० 14, जै०सी० रोड, बंगलोर-560002, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019(130)/84-पी.एफ.०-२]

S.O. 2188.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Jai Agencies, Lakshmi Buildings, No. 14, J. C. Road, Bangalore-560002, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(130)/84-PF. II]

का०आ० 2189 —केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सी०जी० चेवली बिल्डिंग वर्क्स, 4/1242, फल्सवाडी बेगमपुरा, सूरत गुजरात नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं.एस. (35019/131/84) पी.एफ. 2]

S.O. 2189.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs C. G. Chevli Weaving Works, 4/1242, Falsawadi, Begampura, Surat, Gujarat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(131)/84-PF. II]

नई दिल्ली, 21 जून, 1984

अधिसूचना

का०आ० 2190—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 24 जून, 1984 को उमा तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपर्युक्त नमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होगे, अर्थात् :—

“जिला धर्मपुरी के होसूर तालुक में

राजस्व शाम होसूर (शहर), जुजूबाड़ी, मोकोण्डापल्ली, माठीगिरी, वेशाठूर, कोठाकोण्डापल्ली तथा मोठम अग्राहरम (जेड-5) और कृष्णगिरी तालुक में पारण्डपल्ली के अंतर्गत आने वाले क्षेत्र”।

[संख्या एस-38013/10/84-एच आई]

New Delhi, the 21st June, 1984

S.O. 2190.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 24th June, 1984 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely :—

“Areas comprising the Revenue villages Hosur (town) Juzuvadi, Mukondapalli, Mathigiri, Chennathur, Kothakondapalli and Motham Agraharam (Z. V.) in Hosur Taluk and Parandapalli in Krishnagiri Taluk of Dharmapuri district”.

[No. S-38013/10/84-HI]

नई दिल्ली, 23 जून, 1984

का० आ० 2191—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नव भारत सीडस (प्रा०) लि०, पी०बी०

म 13, 4, सर्वेक्षण कम्पशियल सेटर, सालापास रोड, अहमदाबाद-1 और सेल्स ऑफिस महावीर लौक जालना-431203, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) धारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं. एस-35019(134)पी/84/पी०एफ०-2]

New Delhi, the 23rd June, 1984

S.O. 2191.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Navbharat Seeds (Pvt.) Limited, Post Box No. 13, 4, Saravodaya Commercial Centre, Salapas Road, Ahmedabad-1, including its sales office at Mahavin Chowk, Jalna-431203, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(134)/84-PF. II]

का०आ० 2192—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इन्दुमति बेन के लिवेदी, छाकखाना धासरा, जिला केड़ा (गुजरात) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) धारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं.एस-35019(137)/84-पी.एफ. 2]

S.O. 2192.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation of the establishment known as Messrs Indumati K. Trivedi, P. O. Thasra, Distt. Kaira, Gujarat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(137)/84-PF. II]

का०आ० 2193—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि मानामदुराई को-ऑपरेटिव अरबन बैंक लिमिटेड, ए-735 मानामदुराई, जिला-रामनाड़, तमिलनाडु नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि

और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं एस-35019(139)/84-पी०एफ०-2]

S.O. 2193.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Manamadurai Co-operative Urban Bank Limited, A-735, Manamadurai, Ramnad District, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(139)/84-PF. II]

का०आ० 2194.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वेंकटेश्वरा इंजीनियरिंग वर्क्स, 12-ए, तथा बी, लैंकिंग कम्पलैक्स, कुशाईगुडा, हैदराबाद-500762, आनंध प्रदेश, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियमों के उपबंध उक्त स्थापन को लागू करती है।

[सं एस-35019(141)/84-पी०एफ०-2]

S.O. 2194.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Venkateswara Engineering Works, 12-A&B, Electronic Complex, Kushtaguda, Hyderabad-500762, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(141)/84-PF. II]

का०आ० 2195.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सिक्योरिटी कॉर्पोरेशन 66, तीसरा मेन रोड गांधी नगर, अव्यार, मध्यस-600020, तमिलनाडु तथा 92, माउन्ट रोड मध्यस-32 पर स्थित इसके प्रशासनिक कार्यालयों सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

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अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं एस-35019(147)/84-पी०एफ०-2]

S.O. 2195.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Security Counsel, 66, III Main Road, Gandhi Nagar, Adyar, Madras-600020, Tamil Nadu including its Administrative Office at 92, Mount Road, Madras-32, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(147)/84-PF. II]

का०आ० 2196 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डीस्ट्रक्ट होलसेल कन्ज्युर्स को-ऑपरेटिव स्टोर्स लि०, जी०ई० रोड, राजनन्द गांव (एम पी) और शाखा हाल्डी में, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं एस-350019(138)/84-पी०एफ०-2]

S.O. 2196.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs District Wholesalers Consumers Co-operative Stores Ltd., Rajnandgaon including its Branch at Haldi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(138)/84-PF. II]

का०आ० 2197.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स केतान विकिंग वर्क्स, 4/1242, फालसवाडी, बेगमपुरा, सूरत (गुजरात) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं एस-35019(136)/84-पी०एफ०-2]

S.O. 2197.—Whereas it appears to the Central Government that the employer and the majority of the employees, in relation to the establishment known as Messrs Ketan Weaving Works, 4/1242, Falswadi, Begampura, Surat (Gujarat), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(136)/84-PF. II]

का० आ० 2198.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स काल्तीलाल जी लिवेदी, स्टेशन रोड, थासरा, डिस्ट० केज़ा नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[सं० एस-35019(135)/84-पी०एफ०-2]

S.O. 2198.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kantilal G. Trivedi, Station Road, Thasra, District Kaira, (Gujarat), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(135)/84-PF. II]

का० आ० 2199.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स थीरमलाई इण्डस्ट्रीज, श्री शानमुगा इण्डस्ट्रीयल एस्टेट, 1/536, मेत्तुपालायाम रोड, कोयम्बतूर-30, तामिल नाडु नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[सं० एस-35019(146)/84-पी०एफ०-2]

S.O. 2199.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Thirumalai Industries, Shri Shanmuga Industrial Estate, 1/536, Mettupalayam Road, Coimbatore-30, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(146)/84-PF. II]

का० आ० 2200.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वैद्यनाथासामी कॉन्ट्रैक्टर, लाइसेन्सी, प्लेटफार्म स्टाल्स, कटपडी रेलवे स्टेशन-632007, तामिल नाडु नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[सं० एस-35019(145)/84-पी०एफ०-2]

S.O. 2200.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs S. Vaidyanathasamy Contractor, Licencee, Platform Stalls, Katpadi Railway Station-632007, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(145)/84-PF. II]

का० आ० 2201.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री नागाराजू इण्डस्ट्रीज, (राइस मिल), शार० जी० रोड, गंगावती, जिला रायचुर, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है ।

[सं० एस-35019(144)/84-पी०एफ०-2]

S.O. 2201.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Nagaraju Industries, (Rice Mill), R. G. Road, Gangavathi, Raichur District, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(144)/84-PF. II]

का० आ० 2202.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वावामथीमंगलम् मिल्स प्रोस्यूसर्स को-ऑपरेटिव सोसाइटी, टी० पी० ई०-206, वावामथीमंगलम्, नार्थ-भारकोट,

जिला तामिल नाडु नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन की लागू करती है।

[सं. एस-35019(143)/84-पी० एफ०-2]

S.O. 2202.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vadamatimangalam Milk Producers' Co-operative Society, T.P.D.-206, Vadamatimangalam, North Arcot, District, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(143)/84-PF. II]

का० आ० 2203:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स शाह रबर प्रोडक्ट्स, 35-सिङ्को को इण्डस्ट्रीयल एस्टेट, कोयम्बटूर-641021, तामिल नाडु तथा 16-बी. बी. रोड, आर. एस. पुरम, कोयम्बटूर-641021 पर स्थित इसके प्रशानिक कार्यालय सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019(142)/84-पी० एफ०-2]

S.O. 2203.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shah Rubber Products, 35-SIDCO Industrial Estate, Coimbatore-641021, Tamil Nadu, including its Administrative Office at 16-B.D.B. Road, R. S. Puram, Coimbatore-2, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(142)/84-PF. II]

नई चित्ती, 25 जून, 1984

का० आ० 2204:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कर्नाटक सिस्क मार्किटिंग बोर्ड लिमिटेड, सं. 32, सेशाद्री रोड, बंगलौर-560009, कर्नाटक तथा बंगलौर, कुम्भाकोनम, सालेम, दोद्दाकल्लापुर, वाराणसी, कांचीपुरम,

रायदुर्ग तथा अर्नी स्थित इसकी 8 शाखाओं सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 9) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019(167)/84-पी० एफ०-2]

New Delhi, the 25th June, 1984

S.O. 2204.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Karnataka Silk Marketing Board Limited, No. 32, Seshadri Road, Bangalore-560009, Karnataka including its 8 branches at Bangalore, Kumbakoram, Salem, Doddaballapur, Varanasi, Kancheepuram, Rayadurga & Arni, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(167)/84-PF. II]

का० आ० 2205:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि सिटी शाफ बंगलौर म्यूनिसिपल कार्पोरेशन एम्प्लाईज सोसायटी लिमिटेड, कार्पोरेशन आफिस बिल्डिंग्स, बंगलौर-560002, कर्नाटक तथा इसकी बंगलौर स्थित शाखाओं सहित नामक स्थापन के संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019(166)/84-पी० एफ०-2]

S.O. 2205.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The City of Bangalore Municipal Corporation Employees' Co-operative Society Ltd., Corporation Office Buildings, Bangalore-560002, Karnataka including its branches in Bangalore have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(166)/84-PF. II]

का०प्रा० 2206.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स व्यवसाय सेवा सहकारो संघ नियमिता, अकाधर-अमरावती, तालुक-होस्ट का जिला-बेल्लारी, कर्नाटक, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य नियंत्रण और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(165)/84-पी० एफ-2]

S.O. 2206.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vyavasaya Seva Sahakara Sangha Niyamita, Amravathi Post, Hospet Taluk, Bellary District, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(165)/84-PF.II]

का०प्रा० 2207.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स होटल इम्पीरियल, बस स्टैंड, हम्पानाकट्टा, मैंगलोर-575001, कर्नाटक नामक स्थापन सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य नियंत्रण और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019 (169)/84-पी० एफ-2]

S.O. 2207.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hotel Imperial, Bus Stand, Hampanakata, Mangalore-575001, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(169)/84-PF.II]

का०प्रा० 2208.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० बी० प्रंगनी, प्राइल मिल, सौ मिल तथा गिरिंग-फैक्टरी, नालातबाड़, मुड्डेबिहाल तालुक, बीजापुर डिस्ट्रिक्ट, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य नियंत्रण और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन की लागू करती है।

[सं० एस-35019 (168)/84-पी० एफ-2]

S.O. 2208.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs M. B. Angadi Oil Mill, Saw Mill and Ginanig Factory, Nalawad, Muddebihal, Taluk Bijapur District, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(168)/84-PF.II]

का०प्रा० 2209.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा I की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जुलाई, 1984 को उस तारीख के रूप में नियंत्रण करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले हो प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (i) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध केरल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थातः—

- (1) "जिला त्रिचूर के तालुक थालापिल्लई में ग्रामों के पेरिंगांडूर युप में मिनालूर और अत्तूर के राजस्व ग्रामों के अन्तर्गत आने वाले क्षेत्र"।
- (2) "जिला त्रिचूर के तालुक त्रिचूर में कोलाक्षी और कुल्तूर के राजस्व ग्रामों के अन्तर्गत आने वाले क्षेत्र"।

[संख्या एस-38013(9)/84-एच०आई०]

ए० के० एट्टाराई, अवर सचिव

S.O. 2209.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1984), the Central Government hereby appoints the 1st July, 1984 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and section 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala, namely:—

- (1) "The areas within the revenue villages of Minalur in the Peringandur group of villages and Attur in Thalappilly Taluk of Trichur District".
- (2) "The areas within the revenue of Kolazhi and Kuttur in Trichur Taluk of Trichur District".

[No. S-38013(9)/84-HI]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 19 जून, 1984

आदेश

का०आ० 2210.—भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का.आ. 456 दिनांक 5 फरवरी, 1963 द्वारा गठित श्रम न्यायालय; मुख्यालय हैदराबाद के पीठासीन अधिकारी का पद रिक्त हुआ है।

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 8 के उपबंधों के अनुसरण में, केन्द्रीय सरकार श्री वी. नीलदीप राव को यथोक्त गठित श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. संख्या एस-11020/4/81-डी I (ए)]

New Delhi, the 19th June, 1984

ORDER

S.O. 2210.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with head-quarter at Hyderabad constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 456 dated the 5th February, 1963;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri V. Neeladri Rao as the Presiding Officer of the Labour Court constituted as aforesaid.

[F. No. S-11020/4/81-D.I(A)]

नई दिल्ली, 20 जून, 1984

का०आ० 2211.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (६) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 64 दिनांक 20 दिसम्बर, 1983 द्वारा बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर 1983 से छः भास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः भास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (६) के परन्तुक द्वारा प्रवस्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1984 से छः भास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/9/81-डी-1(ए)]

New Delhi, the 20th June, 1984

S.O. 2211.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 64 dated the 20th December, 1983 the Banking Industry carried on by a Banking

Company as defined in clause (bb) of section 2 of the said Act to be a public utility service for the purpose of the said Act, for a period of six months, from the 29th December, 1983;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act for a further period of six months from the 29th June, 1984.

[F. No. S-11017/9/81-D.I(A)]

नई दिल्ली, 26 जून, 1984

का०आ० 2212.—केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-ग की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम और पुनर्वास मंत्रालय, श्रम विभाग की अधिसूचना एस-11020/7/83-डी०-१ (ए०) (i) दिनांक 6 जून, 1984 द्वारा उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, कानपुर को उस श्रम न्यायालय के रूप में निर्दिष्ट करती है जो उस रकम का मूल्यांकन करेगा जिस पर उस धारा में निर्दिष्ट किसी असुविधा की संगणना उत्तर प्रदेश के किसी उद्योग में, जिसके धारे में केन्द्रीय सरकार समुचित सरकार है, नियोजित कर्मकारों के संबंध में धन के रूप में की जाएगी।

[एस०-11020/7/83-डी०-१ (ए०)]

श०ह०सु० अम्यर, अवर सचिव

New Delhi, the 26th June, 1984

S.O. 2212.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies the Labour Court, Kanpur constituted under section 7 of the said Act by Government of India in the Ministry of Labour and Rehabilitation, Department of Labour notification No. S-11020/7/83-D.I(A)(i) dated the 6th June, 1984, as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section would be computed in terms of money in relation to workmen employed in any industry in the State of Uttar Pradesh, in respect of which the Central Government is the appropriate Government.

[F. No. S-11020/7/83-D.I(A)]

S.H.S. IYER, Under Secy.

New Delhi, the 22nd June, 1984

NOTIFICATION

ORDER

S.O. 2213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the State Bank of India Hazaribagh and their workmen which was received by the Central Government on the 11th June, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri I. N. Singha,
Presiding Officer.

Reference No. 47 of 1983

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of State Bank of India, Hazaribagh and their workmen.

APPEARANCES :

On behalf of the employers.—None.

On behalf of the workmen.—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Banking.

Dhanbad, the 1st June, 1984

AWARD

The Government of India in the Ministry of Labour & Rehabilitation in exercise of the powers conferred on them under section (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-12012(289)/82-D. II(A), dated, the 11th May, 1983.

SCHEDULE

“Whether the action of the management of State Bank of India in relation to their Hazaribagh Branch to retrench four workmen namely S/Shri Nemicand Prasad, Kishori Ram, Kali Charan Verma and Govind Ram daily rated messengers, under their Notice of retrenchment dated 29-7-82, is justified ? If not to what relief are the workmen concerned entitled.”

The concerned workmen have filed their W. S. in the case but the management has not filed its W. S. inspite of notices issued to them twice by Regd. Post. The case was therefore taken up for hearing ex parte.

The concerned workmen were working as Messengers in the State Bank of India Hazaribagh Branch. They were first appointed as casual worker but subsequently they were given the work of messenger. They were continuously working as Messenger from January, 1979 to August, 1982 and they have performed duties more than 240 days in the calendar year. Their employment as messengers was necessitated due to acute shortage of messengers in the Bank. The concerned workmen although termed as casual labour in fact were working as messengers. The General Manager (Operation) of State Bank of India, Patna which is the local head office of the Banks Bihar had issued a circular dated 22-1-81 addressed to all the Branch Managers of the Bank in Patna circle that casual labourers can be engaged for works of casual nature such as coolie, shifting furniture from one office to another office. The concerned workmen never performed the nature of works of casual labour and they were performing the nature of jobs of regular employees of the Bank. Prior to May, 1981 they were paid on daily basis @ Rs. 5 per day attendance which was raised to Rs. 10 per day. The Labour Superintendent, Govt. of Bihar, Hazaribagh recommended that the lowest amount paid to the aforesaid workmen would be Rs. 18.65 per day but the management continued to pay lesser amount of Rs. 10/- per day. When the wages were not increased as recommended by the Labour Superintendent, the concerned workmen demanded the wages as per recommendation of Labour Superintendent, Govt. of Bihar and thereafter the management served with the notice of their retrenchment on 29-7-82 as a vindictive measure. The concerned workmen have already put duties more than 240 days in a calendar year and they had already attained the status of a permanent employee of the Bank in view of the circular of the Bank that if a workman works for more than 90 days against regular vacancies attains his status of a permanent workman. In May, 1982 the Branch Manager had forwarded and recommended the names of the concerned

workmen to the Bank's Regional Office at Ranchi for regularising them. There is no certified standing orders applicable to the establishment in which the concerned workmen are working and as such the Model Standing Orders is applicable to the said establishment. According to the Model Standing orders also the workman concerned are permanent workmen, concerned workmen were appointed to fill up the permanent The concerned of the messengers already existing in the Bank and they were performing jobs of permanent nature. The concerned workmen were not surplus to the requirement of the management as will appear from the Staff Budget of 1981 and 1982. The action of the management is illegal arbitrary and measure of victimisation for their legitimate demand for higher payment and regularisation in services. The concerned workmen have prayed that the Award be held in their favour holding that the action of the management is unjustified and the concerned workmen are entitled to be reinstated with full back wages and other benefit.

The only question to be determined in this case is whether the action of the management of the State Bank of India Hazaribagh Branch in retrenching the concerned workmen under their notices of retrenchment dated 29-7-82 is justified.

One of the concerned workmen Nemi Chand Prasad has examined himself as WW-1 and has exhibited 10 items of documents. He has stated that all the concerned workmen were working as messengers in the State Bank of India, Hazaribagh Branch and that they were first appointed as casual workers but they were allotted the job of messengers which they were performing from January, 1979 to August, 1982. He has stated that the work of Messenger in the Bank was the work of permanent nature and that the posts of messengers in the Bank were vacant and as such they had been appointed to work as messengers. He has further stated that the Labour Superintendent, Govt. of Bihar suggested payment of minimum amount of Rs. 18.65 per day to the concerned workmen and the concerned workmen demanded the said wages and thereafter the management dispensed with their services. He has further stated that there is no certified Standing Orders of the Bank. He has stated that he had filed document which will show that they have worked as messengers against permanent vacancies and put 240 days attendance in a Calendar year.

According to the case of the workmen there is no certified standing orders of the Bank and in view of this the Model standing orders will apply in this case. In the Model standing orders in respect of industrial establishment not being industrial establishment in coal mines, classification of workmen have been made in Section 2(a) Section 2 defines a permanent workman and states that a permanent workman is a workman who has been engaged on permanent basis and clause of defines a casual workman whose employment is of a casual nature. Ext. W-8 is a Circular dated 22nd January, 1981 from which it will appear that casual labourers are engaged for works of casual nature such as coolie, shifting of furniture/stationery etc. from one office to another office or from one premises to another at the same station. From the evidence of WW-1 it will appear that they were not doing the job of casual workers as stated in the Circular Ext. W-8. It is asserted on behalf of the concerned workman that they were working as messengers. Ext. W-2 is a letter dated 3-2-81 from the Branch Manager, State Bank of India Hazaribagh to the Regional Manager, State Bank of India, Ranchi which shows that there was acute shortage of messengers in the Bank and as such they have no other alternative but to resort to take casual labour on daily wage basis. Ext. W-5 is dated 3-2-81 from the Branch Manager State Bank of India, Hazaribagh Branch to the regional Manager, State Bank of India Ranchi which shows that the applications of the concerned workmen were forwarded for recruitment to the posts of messengers. It also shows that the concerned workmen were working as messenger. Ext. W-1 is a letter dated 9-2-81 from the Branch Manager Hazaribagh to the Regional Manager, State Bank of India, Ranchi, which will show that there was shortage of messengers. In para 3 of Ext. W-6 will show that the concerned workmen were engaged since long and that they were working as messenger during the year 1979-80, 1980-81. The number of days of works in each year has also been stated which will show that they have

worked for more than 240 days in a year as Messenger. The post of Messenger was a permanent post and these concerned workmen had regularly worked as Messenger for more than 240 days.

Ext. W-4 dated 3-2-81 is a letter from the Labour Superintendent, Hazaribagh to the Branch Manager, State Bank of India, Hazaribagh in which it is stated that the concerned workmen were not getting minimum wages as provided WW-1 has stated that when they demanded the minimum wages as proposed by the Labour Superintendent, the management retrenched them from services. Ext. W-10 is the daily attendance of the concerned workmen which shows that they had worked for more than 240 days in a year.

Taking the entire facts, evidence and circumstances of the case into consideration it appears that the concerned workmen were working as Messengers in permanent vacancies and worked for more than 240 days in a year continuously since 1979 to 1982 each year and as such they were not casual workers and that is the reason that the Branch Manager, State Bank of India, Hazaribagh had written to regularise them. In such circumstance the conditions required under Section 25F of the I.D. Act. for retrenchment of the workmen is not applicable and as such the action of the management is bad and not justified.

In the result, I hold that the action of the management of the State Bank of India, Hazaribagh Branch in retrenching the concerned workmen under the notices of the retrenchment dated 29-7-82 is not justified. The concerned workmen are, therefore, reinstated with full back wages and other benefits from the date of their retrenchment.

This is my Award.

J. N. SINHA, Presiding Officer.
[No L-12012/289/82-D II(A)]

S.O. 2214—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the Bank of Baroda, Lucknow and their workmen, which was received by the Central Government on the 15th June, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

ID No 165/77

In the matter of dispute between :

Shri J. L. Mehrotra S/o Shri Madan Mohan Mehrotra, resident of 47/68, Hatia Kanpur through U.P. Bank Employees Federation, 26/104, Bei Hana Road, Kanpur.

Versus

Bank of Baroda Kanpur through the
Regional Manager, 4, Park Road,
Lucknow.

APPEARANCES :

Shri Arjun S. Kri—for the workman
Shri B. S. Sethi—for the Management

AWARD

Central Government, Ministry of Labour vide Order No L-12012/106/71-LR.III dated 24th February, 1971 referred the following dispute to the Industrial Tribunal Kanpur for adjudication.

“Whether the action of the management of the Bank of Baroda in dismissing Shri J. L. Mehrotra from service with effect from the 1st October, 1956 was justified? If not to what relief is he entitled?”.

2 Mr J. L. Mehrotra joined Bank of Baroda as a Cash-Clerk 1-4-49 and was posted at Birhana Road Kanpur branch On 2-7-55, there was a shortage of one thousand in cash with another cashier B. N. Shukla, with whom J. L.

Mehrotra worked as repeating Cashier. The Management of Bank of Baroda charge-sheeted the workman and held departmental enquiry. On the basis of the findings of the enquiry the workman was discharged from service on 1-10-56

3. On 6-9-57, the workman filed a Civil Suit No. 1024/57 in the court of Munsif City Kanpur challenging the dismissal as illegal, inequitable and void and claiming to be still in service of the Bank of Baroda. He also claimed Rs 1650 as arrears of salary for the period 1-10-56 to 31-8-57

4. The Civil Suit was dismissed by Civil Court on 5-1-60 but, on appeal to the District Court at Kanpur, the First Additional Civil Judge in Civil Appeal No. 221/60 allowed the appeal of the workman and decreed his suit with costs on 19-7-61.

5. The Bank of Baroda filed an appeal in the Allahabad High Court SA 4441/61, which was dismissed on 19-9-66.

6. The Bank of Baroda filed appeal in the Supreme Court appeal No 176/66, which was decided on 19-3-70 and is reported in 1970 II LLJ 54. The Supreme Court allowed the appeal of the Bank of Baroda holding that no declaratory decree could be given, because it would be a case of enforcing a contract of personal service.

7. Thereafter, the workman approached the Conciliation authorities and, ultimately, this reference was made.

8. The workman's case was that the enquiry conducted by the Management had been faulty by the civil court and that judgment was res judicata, and that he was entitled to reinstatement with retrospective effect and continuity of service and he was entitled to his back-wages till the date of reinstatement.

9. The Management contested the claim and affirmed the correctness of the enquiry and, in any case, requested the Tribunal to hold fresh enquiry, if the earlier enquiry was in any way vitiated. The workman was said to be guilty, and the civil court held him liable for payment of Rs 1000 to the Chief Cashier, who had to make the payment to the Bank, and the Civil court did not hold Shri B. N. Shukla Cashier to be liable.

10. This case came to the Industrial Tribunal Delhi by transfer and the following issues had already been settled on 6-7-73.

1. Whether the reference is bad in law as pleaded by the employer in paras 1 and 2 of the written statement?
2. Whether the workman is estopped from claiming the relief of reinstatement and other reliefs as pleaded by the employer in para 3 of the written statement?
3. Whether the concerned workman was dismissed or discharged? Whether no relief can be granted to the workman he was discharged.
4. Whether the termination of the services of the workman by discharge or dismissal was justified on merit?
5. Whether the decision in Suit No 1024 of 1957 operates as res judicata on Issue No. 4?
6. What reliefs should be given to the concerned workman?

11. Issue No. 1, 2, 3, and 5 was decided in favour of the workman, and only issues No 4 and 6 remain for decision on evidence led before this tribunal on the charges against the workman.

12. The Management examined MW1 Jagdish Narain Mehrotra, Chief Cashier at the relevant time MW2 D. N. Ray Manager, Rai Bareily Branch of the Bank of Baroda, MW3 S. L. Vaid, Retired Bank employee posted at that time at Birhana Road Branch, MW4 B. N. Shukla Paying Cashier on 2-7-55 MW5 R. K. Tandon Cashier at that branch, MW6 M. L. Tewari another cashier working at Birhana Road Branch, MW7 K. N. Aiora, Officer at the said Branch at that time, MW8 Haji Ballabh Dass Gupta Clerk at that branch, MW9 K. K. Saxena, employee of the bank, who retired from the service of the bank on 31-12-78.

13. The workman gave his own affidavit and also the affidavit of his father Madan Mohan Mehrotra and of his

brother Radhey Lal, and all three have been cross-examined by the Management.

14. I have heard the representatives of the parties:

15. The Management's evidence against the workman may be divided into three parts. The first part of the evidence is that of Mr. B. N. Shukla MW4, who asserts that J. L. Mehrotra was working as repeating cashier on his right side and that M. L. Tewari and R. K. Tandon worked as receiving cashiers. He has stated that there was a shortage of Rs. 1000 in his cash-balance which he detected at 1 P. M. and that he had passed on cheque for Rs. 6500 to the repeating-cashier alongwith currency notes, and that he had taken out only 36 notes of 100 rupee denomination out of a bundle of 100 hundred rupee notes, and handed over to the repeating cashier, and that he had wrongly passed on 64 hundred rupee notes to the repeating-cashier as against 54 which ought to have been passed on to him, and that the party Vinod Chand Ramesh Chand, through Lakhmi Ram, was paid, but that the party was not paid in excess, and that the loss was made good in the first instance by the Chief Cashier, who later recovered it from J. L. Mehrotra on the suit being decreed against him, and not against B. N. Shukla.

16. The second part of the evidence relates to the statement made by R. K. Tandon Cashier and M. L. Tewari Cashier about J. L. Mehrotra and R. K. Tandon changing their seats and about Mehrotra going out and returning after 15 or 20 minutes.

17. The third part of the evidence against the workman is the statement of Chief Cashier Mr. J. N. Mehrotra MW1 who stated that he did not allow workman either to change seat or to go out.

18. Before this Tribunal, J. L. Mehrotra has denied being given Rs. 6400 rupees in 64 currency notes of rupee 100 denomination by Mr. Shukla. He denies changing his seat with Mr. Tandon, and he denies going out and leaving his seat. He also denies working with his father or brother at shop.

19. It may at once be stated that it is not a case of anyone that Rs. 1000 more were passed on to the client Lakhmi Chand. The case is that proper amount was passed to him, and the only question is whether it was J. L. Mehrotra who retained Rs. 1000 with him, or whether Mr. Shukla did not pass on Rs. 1000 more to J. L. Mehrotra and the charge is false.

20. Unfortunately for the workman, I have come to the conclusion that J. L. Mehrotra is a wholly false person and cannot be believed at all, and that Mr. Shukla, even though negligent, is a reliable witness and can be believed.

21. The father of J. L. Mehrotra Madan Mohan Mehrotra is 80 years old and it is unbelievable that the father alone would work at the shop of selling utensils and a healthy son, who has no other work, would not do the family-business. It may be that the income may go to the father who may control its use, but it is impossible to believe J. L. Mehrotra when he denies working at any shop. An independent person, who has retired from the service of the bank, K. K. Saxena MW-9, states that he had seen J. L. Mehrotra carrying on business there at the shop. The shop was earlier at Moolganj Kanpur, and later shifted to Hatia Kanpur.

22. The brother of J. L. Mehrotra, by name Radhey Lal WW2, runs the Hosiery shop and, again, it is not possible to believe that J. L. Mehrotra was not helping him, when K. K. Saxena MW9 and Shri Hari Wallabh Dass Gupta MW8 clearly depose to it. The probabilities of the situation are in favour of the workman working at the two shops, when he was no longer employed.

23. The credibility of J. L. Mehrotra is greatly shaken by his denials of working at shops of his father and brother. The father admits that he is joint with his son, and the brother also admits that they live jointly, though they work separately.

24. The second part of the evidence against the workman in respect of his going out and his changing the seat is important and the denial of the workman cannot be believed.

His Ld. counsel argued that if the workman had gone out and disposed of Rs. 1000 in a dishonest manner implied by the bank, the workman could not have failed to know that the shortage would be detected that very day at 1 P.M. and that would have to explain the reason for his absence from the bank for 15 to 20 minutes, and that he would give only one explanation to one and all, and that the evidence was discrepant. Mr. Tewari stated that workman had told him that he had gone to latrine, and Tandon stated that workman told him that he had gone to Khatri Dharamsala or medicine. The suggestion is that the discrepant statements of Tandon and Tewari indicate a false charge against the workman.

25. The statement were not made simultaneously, and both may be false. Tandon and Tewari had no reason to depose falsely.

26. Mr. J. L. Mehrotra is seen to be a person who can charge others falsely. He stated in his deposition that the case was falsely made against him by the Chief Cashier to get his own younger brother employed in the bank, but such a case was never set-out in the claim-statement in this Tribunal, and the Chief Cashier J. U. Mehrotra MW1, when cross-examined, no such suggestion was ever put to him. Clearly, therefore, Mr. J. L. Mehrotra is capable of making reckless allegations and false charges against others, and has scant regard for truth.

27. This Tribunal can see the entire material before it and, for that reason, reference is made to the statement of the workman himself in the departmental enquiry. In that statement made by J. L. Mehrotra, he had admitted his change of seat as well as his going-out. He has also admitted that he was repeating-cashier for all payments, whereas now he states before the Tribunal that he was repeating-cashier only for this particular transaction : His statement from departmental enquiry is as under :—

"The case against me regarding the shortage of Rs. 1000 is absolutely false, B. N. Shukla had given me all the payments on that day for repeating duly counted, and giving the details of the payment on the back of the cheques under his signatures. I had changed my seat with Mr. R. K. Tandon under instructions from the Chief Cashier Mr. Jagdish Narain Mehrotra, as I had no box with me. I was asked to change my seat with Mr. R. K. Tandon who had already a box. I was receiving cash on that day. I had gone for latrine on that day, after duly informing the Chief Cashier J. N. Mehrotra.....".

28. The statement made by J. L. Mehrotra before the enquiry officer is entirely different from the stand he has taken before this Tribunal showing his unreliability and falsity.

29. I am of the clear opinion that the evidence led by the Management is reliable, and that the Chief Cashier Mr. J. N. Mehrotra is truthful when he says that he did not permit the workmen to go out or to change his seat, and that Mr. Shukla MW-4 is truthful that he made over 6400 in 100 rupee notes to the workman in place of Rs. 5400 that ought to be given to him, by negligence, but that it was J. L. Mehrotra who took advantage of it and went out and disposed of the excess Rs. 1000 in the interval that he took first by changing over his seat with Mr. Tandon and another by going out of the bank for 15 to 20 minutes Mr. B. N. Shukla was checked but no money was found with him, and the circumstances show that only J. L. Mehrotra could have the money and the liability against him has been upheld even by the civil court.

30. The clear finding of this Tribunal is that J. L. Mehrotra workman got Rs. 1000, in excess from B. N. Shukla, by mistake, and that it was J. L. Mehrotra who is guilty of keeping Rs. 1000 with him and disposing it off in the interval that he made for himself of going-out of the bank for 15 to 20 minutes for easing himself.

31. Under the circumstances, the workman is guilty of the charges levelled against him, and the punishment of dismissal against him is neither excessive nor improper, and he is not entitled to any relief.

Further ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

JUNE 5, 1984.

O. P. SINGLA, Presiding Officer.
[No. L-12012/106/71-LR III/D. II. A]

New Delhi, the 25th June, 1984

S.O. 2215.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of United Commercial Bank, Calcutta-I and their workmen, which was received by the Central Government on the 15th June, 1984.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA**

Reference No. 12 of 1980

PARTIES :

Employers in relation to the management of United Commercial Bank, Calcutta.

AND

Their Workmen

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCE :

On behalf of Employer—Mr. Tapas Banerjee, Counsel with Mr. P. K. Ghosh Advocate and Mr. P. K. Mukherjee, Advocate.

On behalf of Workmen—Mr. D. L. Sengupta, Advocate with Mr. M. S. Dutta, Advocate.

STATE : West Bengal.

INDUSTRY : Banking

AWARD

By order No. L-12011/3/79-D-II(A) dated 18th February, 1980, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of United Commercial Bank, 10 Brabourne Road, Calcutta-I in refusing to treat the Drivers named in the Schedule as regular employees of the Bank and thereby denying them wages, allowances and other conditions of service available to other regular drivers of the Banks is justified ? If not, to what relief are the workmen concerned entitled ?

SCHEDULE

1. Sri Budhiman Singh,
2. Shri Krishna Chandra Samader,
3. Shri Nabina Sahu,
4. Shri Lal Singh,
5. Shri M. D. Salim,
6. Shri Rajendra Pr. Singh,
7. Shri Shyam Kr. Motha,
8. Shri Md. Uman.
9. Sri B. Jakkraya,
10. Shri Sakat Ali,
11. Shri Pawana Shahu,
12. Shri Shibram Samal,
13. Shri Abdul Hamid,
14. Shri Nageswar Prosad,
15. Shri Mahesh Kumar,
16. Shri Ram Kr. Mondal.”

2. The reference assumes a vital question as to whether the concerned workmen were drivers of the bank. If they were not, as contended by Sri Tapas Banerjee for the bank, the union shall have no case there being no relationship of employer and employee between them. Before I deal with the merits of the case, I would like to say that the question of relationship of employer and employee is one of fact and the decision, on such a question must be determined in the light of all relevant facts and circumstances of each individual case. Sri D. L. Sen Gupta for the union has referred to four decisions of the Supreme Court for the purpose of showing as to which test should be applied in determining whether a particular person is employee of another. Great reliance was placed by him on Shivanandan Sharma V Punjab National Bank Ltd., 1955-I LLJ 688. In that case the Supreme Court had occasion to consider the question as to the test which should be applied in determining whether a particular person is employee of another. In discussing this question the Supreme Court observed that the decision of such a question would always depend on the facts and circumstances of each individual case. Then at page 696 a passage was quoted from the speech of Lord Porter in which Lord Porter observed at page 17 of 1947 ACT (Mersey Docks & Harbour Board V Coggins & Griffith) :

“Many factors have a bearing on the result. Who is pay master, who can dismiss, how long the alternative service lasts, what machinery is employed, have all to be kept in mind. The expressions used in any individual case must always be considered in regard to the subject matter under discussion but amongst the many tests suggested I think that the most satisfactory, by which to ascertain who is the employer at any particular time, is to ask who is entitled to tell the employee the way in which he is to do work upon which he is engaged.”

On the facts it was held by the Supreme Court that the direction and control of the Shivanandan Sharma the head cashier and of the ministerial staff in charge of the cash department of the bank was entirely vested in the bank through the manager or other superior officer and hence Shivanandan Sharma was held to be employee of the bank and not of the contractor—treasurers. It may be noticed that there was written contract in that case which was discussed in detail by the Supreme Court. Hence that case was decided on its own evidence. The next Supreme Court case referred to by Sri Sengupta is 1963—I LLJ 126 (Kirloskar Oil Engines Ltd. v. Hanumant Laxman Bibawee). The question that arose for consideration in that case was whether a watchman deputed to work by the police department under a private individual on the basis of a scheme could be considered to be the employee of the latter. After considering the salient features of the scheme framed by the police department and after observing that a decision on the question as to the relationship of employer—employee has to be determined in the light of relevant facts and circumstances and that it would not be expedient to lay down any particular test as decisive in the matter, the Supreme Court held that a relationship of master and servant between the watchman and the private employer, did not exist, notwithstanding the fact that the private employer was entitled to issue orders to the watchman deputed to work under him. In that case the last mentioned test in the observations of Lord Porter (supra) was explained thus :

“In our opinion as Lord Porter himself has observed the decision of the question as to the relationship of employer and employee must be determined in the light of all relevant facts and circumstances and it would not be expedient to lay down any particular test as decisive in the matter. A test which may be important, and which may appear even as decisive in one set of circumstances, may not be important or decisive at all in the circumstances of other cases. It is true that Lord Porter’s observation on which Mr. Chaudhury relies seems to treat the particular test as most satisfactory; but, with respect, though the said test may have been satisfactory in the facts of the case which Lord Porter was dealing, it would, we think, be unreasonable to treat

that test as most satisfactory in all cases as a general rule."

It is thus clear that that case also was decided on its own facts and circumstances. His third case is *D C Dewan Mohideen Sahib & Sons v United Bidi Workers' Union, 1964-II LLJ 633 (SC)*. This is a 'bidi case'. On the facts of that case it was held that the bidi rollers were the employees of the bidi manufacturer and not of the so called independent contractors. In another, 'bidi case' *Shankar Balaji Wae v State of Maharashtra, 1962-I LLJ 119* (not cited by any party) the Supreme Court held on the facts of that case that there was no relationship of master and servant between the owner of the factory and the concerned person who used to roll bides in the factory. Another Bidi's case is reported in *1974-I LLJ 367 (SC)*. There are other bidi cases. As regards the 'bidi case' the Supreme Court in *1978-I LLJ 312 (SC)* observed at page 314 as under:

'The beedi case' turn on the reality of independent contractors" standing in between the management and the beedi workers. This Court, in many such cases discovered that there was a common practice of using deceptive devices and the so called independent contractors were really agents or workers of the management posing as independent contractors for the purpose of circumventing the Factories Act and like statute which compel management to meet certain economic and social obligations towards the workers. We have no doubt that in this case there was evidence to show any colourable device resorted to by the Bank, our conclusion would have been adverse to the management."

So those cases have also been decided on their own facts and circumstances. His fourth case is *Rishabhji, Cicut v Alath & Sons Thozhihi Union Calicut and others, 1978-II LLJ 397 (SC)* which relates to contract labour. In the case the work done by the concerned workmen was an integral part of the industry. On facts it was held that control over the workmen was of the management. So it was held that the real employer was the management and not the financial employer.

3. Mr. Tapas Banerjee strongly relied on the Supreme Court case of employers in relation to Punjab National Bank v. Ghulam Dastagir, 1978-I LLJ 312 (SC). In that case allowance was paid to the officer by the bank, the driver was engaged by the officer and then salary was paid by the officer, the jeep, petrol and oil requirements as well maintenance all fell within the financial responsibility of the bank, the officer drew the salary of the driver granted to himself by way of allowance from the bank, there was no evidence on record to show that control and direction of the driver vested in the bank, rather evidence was to the contrary. Applying the test of direction and control it was held by the Supreme Court that the driver was the personal driver of the officer and not of the bank. No doubt some facts of that case are similar to some facts of the present case but nonetheless that case also was decided on its own evidence. It was made vividly clear in para 4 at page 314 that facts regarding the direction and control and other indicia of employment may vary in the case of other drivers under that very bank or other industry even where feature of allowance were present and in that situation the conclusion may be different. Again at the end of para 5 at page 315 it was observed that the case had been decided on its own facts. From this Supreme Court case (1978-I LLJ 312) it is not in doubt that in determining the relationship of master and servant in industrial law, not one test but many factors as disclosed by evidence of a particular case have to be considered. This was made clear even earlier by the Supreme Court in *Silver Jubilee Tailoring House v. Chief Inspector of Shops and Establishments AIR 1974 SC 37 1975 Lab IC 133* in which after making a reference to the earlier decision in *Dhulangadhia Chemical Works Ltd v. State of Surashtra (AIR 1957 SC 264)*, in paragraph 11 the Supreme Court observed:

In other words the proper test according to this Court is whether or not the master has the right to control the manner of execution of the work. The Court further said that the nature of extent of the control might vary from business to business

and is by its nature incapable of precise definition, that it is not necessary for holding that a person is an employee that the employer should be proved to have exercised control over his work, that even the test of control over the manner of work is not one of universal application and that there are many contracts in which the master could not control the manner in which the work was done."

Then the Supreme Court made reference to all its earlier decisions and observed in paragraph 27 as under:

"It is in its application to skilled and particularly professional work that control test in its traditional form has really broken down. It has been said that in interpreting 'Control' as meaning the power to direct how the servant should do his work the Court has been applying a concept suited to a past age."

It is therefore, not surprising that in recent years the control test as traditionally formulated has not been treated as exclusive test.

It is exceedingly doubtful today whether the search for a formula in the nature of a single test to tell a contract of service from a contract for service will serve any useful purpose. The most that profitably can be done is to examine all the factors that have been referred to in the cases on the topic. Clearly not all of these factors would be relevant in all these cases or have the same weight in all cases. It is equally clear that no magic formula can be propounded which factors should in any case be treated as determining ones. The plain fact is that in a large number of cases the Court can only perform a balancing operation weighing up the factors which point in one direction and balancing them against those pointing in the opposite direction."

Thus it is obvious from the decision of the Supreme Court that the right of supervision of the right of control is not the only and the exclusive test, though it is relevant. There is no universal principle or test for determining the questions (see also the case of *Rajaram Rokeds & Bros v. Shri Ram Chintaman Warkar, 1977 Lab IC 1594 (Bombay)*). Similar view seems to have been held by English Judges. In the book styled as "Industrial Law" by I. T. Smith and J. C. Wood 1980 edition at page 67 that view has been summarized as below:

"Historically, the solution lay in applying the 'control test', i.e. could the employer control not just what the person was to do but also the manner of his doing it—if so, that person was his employee. In the context in which it mainly arose in the nineteenth century of domestic agricultural and manual workers this test had much to commend it, but with the increased sophistication of industrial processes and the greater numbers of professional and skilled people being in salaried employment, it soon became obvious that the test was insufficient (for example in the case of a doctor, architect, skilled engineer, pilot, etc.) and so despite certain attempts to modernise it, it is now accepted that in itself control is no longer the sole test, though it does remain a factor and perhaps in some cases a decisive one. In the search for a substitute test ideas have been put forward of an 'integration' test, i.e. whether the person was fully integrated into the employer's concern, or remained apart from and independent of it. Once again this is not now viewed as a sufficient test in itself but rather as a potential factor (which may be useful in all work but not to the wider and more realistic view). The modern approach has been to abandon the search for a single test and instead to take a multiple or pragmatic approach weighing up all the factors and a master contract of employment and determining on which side the scales eventually end. Factors which are usually of importance are as follows: the power to select and dismiss the direct payment of some form of remuneration, deduction of PAYE and national insurance contributions, the organisation of the workplace, the supply of tools and materials

(though there can still be a labour-only sub-contract) and the economic realities (in particular who bears the risk of loss and has the chance of profit). Finally given the vagueness of this as a test, there is a considerable scope for an 'instinctive' approach in this area, i.e. that the judge knows a contract of employment when he sees one. In *Cassidy v. Minister of Health* (1951) 2 KB 343, Somervell L J said

'One perhaps cannot get much beyond this, "Was the contract a contract of (employment) within the meaning which an ordinary person would give under the words?"'

Here it will not be out of place to mention the concept of "employment" because that also has to be considered while deciding the question of relationship of master and servant. The Supreme Court in *Chintaman Rao and another v. State of Madhya Pradesh* (1958-II, LLJ 252) said at page 256 :

"The concept of employment involves three ingredients : (1) employer, (2) employee and (3) the contract of employment. The employer is one who employs, i.e., one who engages the services of other persons. The employee is one who works for another for hire. The employment is the contract of service between the employer and the employee whereunder the employee agrees to serve the employer subject to his control and supervision."

This observation shows that every employment has origin in contract.

4. Now, it is a well settled position that each such case has to be decided on its own facts, evidence and circumstances. Decisions in other cases can only be illustrative, not determinative. Having regard to this principle let us see what are the proved facts and circumstances in the present case. But before that I would like to point out that out of the 16 drivers named in the reference, nine have been absorbed by the bank as permanent staff, one is dead and one is untraced. Hence only five remain who claim to be absorbed. In this case there is no agreement or contract of service between the bank and the concerned drivers. There is no appointment letter. There was no application for appointment by any of the concerned drivers. The bank has adduced documentary evidence to show that appointment of drivers were made in back when regular applications like Ext. M-5 were filed and appointment letters like Ext. M-6 and M-7 were issued that salary was directly paid by the bank to their own drivers (vide the salary statements Exts. M-8 and M-9.). As deposed to by MW-2 V. Ramchandran the Deputy General Manager, Personnel Administration of the bank, the statement of salary in 50 sheets (Ext M-8) for January, 1977 include allowances, provident fund, income-tax and other deductions made from the employees of the bank on a monthly basis. They all relate to the bank's employees and all categories of staff are mentioned in the statement including their designation against each name. The other bunch of salary sheets containing five sheets and relating to 1976 and 1977 (Ext. M-9) include deductions made from the salaries in respect of five drivers employed by the bank.

The bank has examined three witnesses MW-1, V. S. Marathi, MW-2, V. Ramchandran, MW-3, Dr. A.C. Parikh who are all of the rank of Deputy General Manager and are responsible officers. MW-2, V. Ramchandran has spoken about the practice and procedure for recruiting the staff including drivers in the bank. He has deposed that application are filed and letters of appointment are issued. He has proved Exts. M-5, M-6, M-7, M-8 and M-9. He has further deposed that the bank makes its contribution towards their Provident fund. His further evidence is that the general practice of recruitment of drivers by the bank is to notify the vacancy to the employment exchange. But as a large number of persons were attached to the senior officials of the bank candidature of these persons were considered on humanitarian ground and sympathetic consideration in filling up the post of drivers in the bank. Sri Tapas Banerjee appearing for the management has pointed out that no application for appointment was filed by any of the concerned drivers nor any appointment letter was issued to any of them and that none of them was a member of the provident fund. He further submits that

none was paid directly by the bank and none signed the attendance register or salary register or any receipt or voucher saying "received payment". He has further pointed out that there is no evidence on record to show that any allotment of duty was ever made by the transport officer through whom the concerned drivers claim to have been appointed. These facts as submitted by Sri Tapas Banerjee are correct and have been proved by evidence on record.

5. Sri Tapas Banerjee for the management next submitted that it was the practice and procedure of the bank to provide their senior officers with motor cars and to pay allowances, that those senior officers appointed their own drivers and they were their personal drivers and not drivers of the bank. This argument is sound. MW-1, V. S. Marathi has given evidence as below before this tribunal :

"Bank provides a car to certain grade of officers. However bank does not provide the driver. Expenses towards petrol, servicing and maintenance of the car are reimbursed by the bank every month. Besides, driver's salary to a fixed extent is reimbursed by the bank. Those drivers are the personal drivers of the officers to whom the cars are provided. The bank does not have any relationship with those drivers. The officers concerned pay the remuneration of such drivers."

The witness was shown a circular dated 2nd September 1978 (Ext M-3). Then the witness said that this circular was issued by the bank intimating officer concerned to what extent motor car expenses will be reimbursed to them. The witness has also deposed that motor car expenses bills were submitted by the officers for reimbursement (Ext M-4) and that those bills were accompanied by receipts of salary paid by the officers to their own drivers. He has further deposed as under :

"The concerned officer fixes the hours of the duty of such driver. The concerned officer also fixes his remuneration. For leave and other incidents of service the driver is accountable to the officer with whom he is working. Such driver works under the supervision and control of the concerned officer. In no way they are accountable to the Bank for their emolument, employment or condition of service. The Bank does not have any supervision or control over them. I myself, am an officer of the Bank and a car has been allotted to me by the Bank. When I was promoted to the post of AGM I was provided with the car, i.e. from July 1979. My personal driver drives that car. At present he is Md. Arun. I selected him. I appointed him. The Bank had nothing to do with his selection and appointment. I myself pay his salary. I allot him his duties. I exercise control and supervision over his work. Whatever duties I give to him he performs. He is my personal driver."

The witness has not been shaken in cross-examination. I have already mentioned about the deposition of MW-2, V. Ramchandran, MW-3 Dr. A. C. Parikh also has deposed that the general practice is that the executives are asked to employ their own personal drivers, they control their duties and supervise their work. From the evidence aforesaid it is clear that appointments of drivers in the bank are made when applications are filed for the same and by issue of appointment letters. Both these acts are absent in the present case. It is also clear that senior officials are provided by the bank with motor cars and those officials appoint their own personal drivers and that they are reimbursed by payment of allowance to the extent prescribed by the bank.

6. The evidence of the bank's witness is supported by the admission of the concerned drivers made in Ext M-2 that they were personal drivers of the senior officers of the bank. Ext. M-2 is a letter by 22 drivers including all the concerned drivers dated 25 May, 1977 to the management for appointing drivers in Bank's service in accordance with seniority. This letter containing the admission of the drivers is impor-

tant. It is not disputed that all the concerned drivers signed it. It runs as under :

"The Chairman and Managing Director,
United Commercial Bank,
10, Brabourne Road,
Calcutta-700001.

Respected Sir,

With due respect and humble submission, we beg to state that we are appointed as personal drivers to drive Bank's cars allotted to the senior officers. Since recent past when drivers are being appointed in the Bank, seniority is being considered as one of the criterion. We have now been given to understand that drivers are going to be appointed in the Bank's branches at Bhubaneswar (Orissa) and also at Calcutta Main Office where a Bank's Driver has qualified in the recent promotion test or subordinate staffs to clerical cadre, where the aforesaid criterion are not being following properly.

Sir, we the personal drivers of the senior officers are serving the bank of years together but our future aspirations are not fulfilled in the true sense of the term.

We therefore, request you that whenever a driver is to be appointed in the Bank's service, seniority should be the foremost criterion for the purpose of appointment in the Bank's service as driver."

On a perusal of the above it will appear that both in the first and second paragraph that say that they are the personal drivers of the senior officials of the bank. Undoubtedly the cars which are allotted to the senior officials are driven by them. They belong to the bank and they are registered in the name of the bank (see MW-1 at page 4) even after allotment. The first para of Ext. M-2 says that they were appointed as personal drivers to drive the bank's cars allotted to the senior officials. In the second para also they say that they are personal drivers of senior officers and are serving the bank for years together. Sri D. L. Sengupta for the union has made much of the words "are serving the bank for years". But in my opinion these words do not mean that they were employees of the bank. Driving for long the cars of the bank allotted to the senior officers also amounts to serving the bank for years. These words do not take away the effect of the clear words. "We the personal drivers of the senior officers". By Ext. M-2 they seek employment in the bank's service according to seniority. Occasion for filing this application arose when they were given to understand that drivers were going to be appointed in Bhubaneswar (Orissa) and Calcutta without following the rules of seniority. It may be mentioned here that these drivers were also considered for absorption whenever vacancies for drivers in the bank arose (see MW-2 at page 3). Ext. M-2, therefore, was naturally filed requesting the bank to observe the rule of seniority. The statements in Ext. M-2 are plain and unambiguous and no other interpretation is possible. It is so clear that it does not require much intelligence to understand it. On the basis of Ext. M-2 alone it can be held that the concerned drivers were the personal drivers of the senior officials of the bank and not of the bank. I am surprised how in face of Ext. M-2 the poor drivers were advised to raise this industrial dispute. Ext. M-2 alone is sufficient to throw out the case of the union as it fully establishes that there was no relationship of employer and employees between the bank and them and hence there could be no valid reference for that reason. But as I have already mentioned, there a lot of circumstances to show that the concerned workmen were never the employees of the bank. Some of them have been employed in the bank's service later. Sri D. L. Sengupta submitted that Ext. M-2 the joint letter dated 25 June 1977 was only signed by the concerned drivers but were not written by them and that the petition was typed in English and could not be drafted by them. This argument has no merit. The persons who have signed are ordinarily bound by the contents of the document. In the present case there is no reason as to why they should not be bound by the statements in Ext. M-2. Here the matter was simple and it concerned their appointments. There is nothing in Ext. M-2 to their preindies. There is no case that any fraud was practiced. The contention is rejected.

7 I have already referred to the circular Ext. M-3 dated 2nd September, 1978 which contains the decision of the board

of directors of the bank to reimburse the officers on account of the remuneration paid to the drivers in their personal employment and which fixed such remuneration. Ext. M-4 are the bills of the officers (1) M. Krishnan in respect of the salary paid by him to his driver, with the attached receipt of the driver saying that he received the amount as his driver. The number of his car is WMC 5220; (2) T. B. Menon for car No. WMB 6911 with the attached receipt by driver Ram Prasad Mondal; (3) of C. T. Thaker for car No. WMB 9835 with similar attached receipt; (4) Dr. A. C. Parikh MW-3 for car No. WMB 9796 with similar attached receipt by driver Nageswar Prasad; (5) receipt of driver or salary received from J. B. Putwala; (6) of M. V. Ramaseshan Asst. General Manager for car No. WBJ 4377 and WMD 2785 with the receipt from the driver; (7) of M. A. Fernandes for car No. WBJ 2669 with the attached receipt; (8) of M. K. Das for car No. WMD 2789 with the attached receipt from the driver; (9) of V. Ramchandran MW-2 for car No. WMD 2825 with the attached receipt from driver M.D. Umar; (10) driver's receipt in respect of the remuneration received by him from P. K. Mitra, General Manager and (11) of officer M. L. Keshwan Asst. General Manager with similar receipt. MW-1 V. S. Marathi has deposed in details about Ext. M-4. All these documents show that the senior officers of the bank used to have their own drivers and they were being reimbursed for the remuneration which they paid to those drivers. There is absolutely nothing on record to show that the bank adopted any camouflage for the purposes of contravening any Act. The action of the bank in reimbursing their senior officers by paying allowance for the remuneration paid by those officers to their own drivers in accordance with the practice prevalent therein and there is absolutely no malafide in that act. The act is rather fair and just. Sri Sengupta for the union contended that the receipts do not state that the drivers were personal drivers of the officers concerned. In my opinion, that was not necessary. The amount was received from the officer in personal capacity for which the officer was reimbursed. The point thus has no force.

8. Sri D. L. Sengupta for the union strongly relied on Ext. W-6 which are assignment slips twelve in number, given to the concerned drivers by the bank for bringing directors or other high officials from the airport or the railway station. In my opinion these 12 assignment slips and the 2 letters collectively marked as Ext. W-7 do not at all prove the relationship of employer and employee. They have been fully explained by the witnesses of the management. MW-3 Dr. A. C. Parikh, the Deputy General Manager now officiating as General Manager in the bank has deposed regarding Ext. W-7 as under :

"This a letter addressed to Deputy Commissioner of Police for one traffic violation case of car No. WMB 9796 which was allotted to me, traffic violation was done by Sri. Nageswar Prasad, my personal driver. The car belongs to the bank and violation notice from the Police Commissioner was addressed to the bank, therefore, I used the Bank's letter head. I employed Sri Nageswar Prasad. I paid his salary. I allotted his duties because he was actually my personal driver. The bank has to play no part in fixation of his duties or in matter of employment or payment of his wages or supervision or control of his service."

In cross-examination a question was put to him as to whether he could produce the letter from the Deputy Commissioner of Police in reply to which he wrote Ext. W-7. His answer was that he has not received the letter but the bank has received it because the car was registered in the name of the bank. He further said that the letter was referred to him because the car has been allotted to him and he therefore replied to the traffic violation. The witness has not been shaken in cross-examination. MW-1 V. S. Marathi said in his deposition at page 4 regarding Ext. W-7 as below :

"This is a copy of the letter addressed to the Deputy Commissioner of Police, Traffic Department, Calcutta sent by Assistant General Manager, MPRT Head office on the subject of Traffic case. This must be for the car provided by the Bank to the officer and not bank's pool car. All the cars provided to the officers are owned by the Bank and

registered in the name of the bank and as such all intimation from the police authority are addressed to the Bank and being the Bank's officer the car is proved, he has to identify himself with the bank to whom such letters are addressed."

As regards the assignment slips (collectively marked as Ext. W-6) MW-1 V. S. Marathi has deposed at page 2 as follows :

"On certain occasions we use to request the officers who are provided with bank's car to loan their car for certain job. For instance, when there is the meeting of the Board of Directors and many Directors arriving at particular time by different flights and trains, then the then existing cars are running short and on such occasion request is made to officers who are provided with bank's car to loan the car for bringing the persons from Rly. Station or Airport. (Shown Ext. W-6). These slips are given for the purpose of announcement to be made at Airport in order to contact the passenger coming by the particular flights. I issued these slips. We used to request to officer concerned and if he agreed to give the car we used to give such slips to the officers to enable their drivers to meet the passenger and receive him at the Air-port."

From the evidence aforesaid it is clear that important officers were brought either from the air-port or railway station by the personal drivers of the concerned officers at the request of the bank. This was not a regular feature, such thing happened only on particular occasion, for example when the meeting of Board of Directors was held. Ext. W-6 therefore cannot be considered to create relationship of master and servant between the concerned workmen and the bank. I have already stated Ext. W-7 also has been fully explained, correspondence with the police deptt. had to be made by the bank because the concerned car belonged to the bank.

Sri D. L. Sengupta argued that Ext. W-6 and W-7 were not explained in the pleading of the bank though their written statement was filed later and it was too late for the management to explain them through witnesses. He further argued that there was no evidence of any of the concerned officers to corroborate the statement that Ext. W-6 were issued with their consent or after consulting any of them. In my opinion this argument cannot take away the effect of the evidence discussed above. The main fact that the concerned drivers were the personal drivers of the senior officers was stated in the written statement as well as in the rejoinder of the bank. The issue of assignment slips (collectively marked as Ext. W-6) by the bank was an admitted fact and therefore there was no need to mentioning it in the pleading. Explanation about a document need not be stated in the pleading. Only material facts are required to be stated therein. The other argument is also not valid. The evidence mentioned above is sufficient on the point and it was not necessary for the bank to further prove the consent of the particular officer concerned with Ext. W-6 in this regard. I am of the opinion that Ext. W-6 and W-7 were fully explained by the witnesses of the management. WW-1 S. Roy Chowdhury has no personal knowledge how a person is appointed as driver in the bank. He has deposed on the basis of documents. He has proved the assignment slips & letters (Ext. W-6 and W-7) which I have already discussed. He has admitted that no appointment letter had been issued to them, that no provident fund had been allowed to them and that they did not get salary according to settlements, like the other 5 or 6 drivers of the bank. He has deposed that he asked the drivers as to who appointed them to which they replied that they were appointed by the Transport Officer. There is no paper on record to prove it. The witness says that he did not enquire from the drivers as to whether they were appointed in writing or through appointment letters. This is unbelievable. The witness is general secretary of the union. He has signed the written statement. There it is written that the appointment was verbal. The witness, therefore, is no straightforward. According to the bank there was no transport officer at the relevant time, that is, at the time when the drivers were appointed. WW-1 also admitted that seven of the 16 concerned workmen applied for appointment and they have been given

employment by the bank. WW-2 Shib Shyamal is one of the 16 drivers. He says he was recruited by the transport officer, one Sarkar Babu without any appointment letter. I do not believe him. There cannot be employment in the bank in such a manner. Every appointment arises out of contract, terms and conditions are fixed and duties are assigned. WW-2 does not say what were the terms and conditions of his service. Regarding other also, the witness says that the Transport officer usually appointed them and all were being paid by the Transport officer. But there is not a chit of paper to prove any payment. His evidence on the very face of it is unbelievable.

9. So far as documents of the union are concerned, only Ext. W-6 and W-7 are relevant for deciding the question which has already been discussed. Other documents are not helpful on this point. Ext. W-1 contains the rules of the Motor Workers' Union. Ext. W-2 are the 16 membership cards of the concerned 16 persons. The counterfoils numbering 20 collectively marked as Ext. W-3) show payment of subscription by the concerned workmen. As locus standi of the union has not been challenged before me, these documents need not be discussed. By Ext. W-4 dated 5-6-78 the union raised the dispute with the management. Ext. W-5 is a letter sent by the union to the ALC (C) Calcutta about this dispute. I have already discussed Exts. W-6 and W-7.

10. To conclude, there was no application for appointment, there was no appointment letter, and there was no contract of employment with the bank, there is also no evidence of any terms and conditions of service in the bank, they were not members of the Provident fund, they were not paid by the bank, did not ever sign any salary register, there is no evidence that they were given petrol, servicing and repairing charges for the bank's cars by the bank, they never signed the attendance register, there is no evidence they ever did any regular duty in the bank or any regular duty was ever allotted to them, never signed any receipt or voucher saying "received payment from the bank", there is not a chit of paper in support of their claim that duty was allotted to them by any transport officer, there is no evidence on record of any control or supervision over their work by the bank, no evidence that they were employed by the bank nor there is anything to show that the bank has adopted any colourable device for circumventing any statute. There is absolutely nothing on record to make out a nexus between the bank and them. The evidence is rather to the contrary. There is ample evidence on record that they were personal drivers of individual officers of the bank that senior officials used to appoint personal drivers and allowance was used to be paid to the individual officers, by the bank for reimbursing them in respect of expenses incurred by them in paying salary etc. to their drivers and for petrol and repairing charges etc. and that such drivers were under the control of the individual officers under whom they worked and from whom they got the remuneration. The whole case of the concerned drivers comes to this :

"We have brought certain officials from the airport and the railway station on certain occasions and that you have written certain letters to the police on certain occasions in connection with some traffic violation in respect of cars driven by us and hence we are your employees."

Such a claim is against all principles of justice and against commonsense. The claim of the concerned workmen is, therefore, rejected. The case of the management is accepted as correct.

11. On the evidence on record I find that there was no relationship of employer and employees between the concerned workmen and the bank and as such the union or the concerned workmen have no case. There is no question of treating them as regular employees of the bank.

12. It follows from the above that the action of the management of United Commercial Bank 10 Brabourne Road, Calcutta-1 in refusing to treat the drivers named in the schedule as regular employees of the bank and thereby denying them wages, allowances and other conditions or service available to other regular drivers of the bank is justi-

fied, and that the concerned workmen are not entitled to any relief. This is my award.

Dated, Calcutta,
6th June, 1984.

M. P. SINGH, Presiding Officer
[No. L-12011/3/79-D.II.A]

New Delhi, the 26th June, 1984

S.O. 2216.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, in the industrial dispute between the employers in relation to the Punjab which was received by the Central Government on the 19th June, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 146/83 (New Delhi), 113/1983 CHD
PARTIES :

Employers in relation to the Management of Punjab
National Bank, Punjab.

AND

Their Workman—Shri Kapil Dev Dhawan.

APPEARANCES :

For the Employers—Shri Malvinder Singh.
For the Workman—Shri C. L. Bhardwaj.

INDUSTRY : Banking

STATE : Punjab.

AWARD

Dated, the 6th of June, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, per their Order No. L-12012/248/81-D.II(A) dated the 29th March, 1982 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the action of the Management of Punjab National Bank in relation to its Amritsar Branch in debarring Shri Kapil Dev Dhawan from officiating as Teller from 26-2-1981 for a period of one year is justified. If not, to what relief the workman concerned is entitled."

2. To trace a short history of the matter the petitioner was employed as a Clerk-cum-Cashier, at the Mall Bazar, Amritsar Branch of the Respondent Bank, who, under settlement No. 2/1973 dated 16-6-1973 were obliged to formulate and maintain a seniority list of Clerk-cum-Cashiers, Clerk-cum-Typists and Clerk-cum-Godown Keepers to facilitate regular and officiating promotions of the Clerical Staff to the cadre of Special Assistant etc. on assuming the Town as a unit, such promotion posts included the category of Teller also, since it carried a special officiating Allowance. In return, the concerned employees were duty-bound to accept the chance as and when offered to them, obviously the refusal to officiate or accept permanent posting as a Teller attracted the penalty of deprivation for full one year.

3. The petitioner-workman propounded that in January and February, 1981 he had to remain on leave because of severe pain in his left arm and dislocation of Collar Bone; he resumed duty on 25-2-1981 but was under medical advice to sit straight at least for a month and avoid working at such seats which required to bow his neck, least there should be any replace of the Bone dislocation.

4. In view thereof, on the very next day, he made a representation to the Management for being provided with a job of the nature recommended by the Doctor for a period of 30 days and during the meanwhile agreed to forgo his officiating allowance as a Teller. His representation, support-

ed by a Medical Certificate, was entertained by the Branch Manager and transmitted to the Regional Manager for necessary action.

5. On 7-3-1981, the Regional Manager made a back reference to the Branch Manager observing 'inter-alia' that though the matter required to be dealt with on humanitarian grounds yet the existing arrangement did not permit any concession because under the terms of the relevant 1973 Settlement petitioner's failure to officiate as a Teller would invite the penalty of one year's disqualification. He, therefore, directed that the situation should be explained to the petitioner "so that he is in clear picture and may choose any one of the alternative".

6. Accordingly, the Branch Manager confronted the petitioner with the Regional Manager's advice on 10-3-1981 and in response thereto the petitioner endorsed this willingness, under the same Draft-advice to officiate as a Teller regardless of his physical condition.

7. However, on the same day the Sub-Branch Manager, who was officiating as the Branch manager, passed the impugned order debarring the petitioner to officiate as a Teller for full one year w.e.f. 26-2-1981. Feeling aggrieved, the petitioner approached his Union who took up the matter with the Management and raised an Industrial Dispute, which defied any amicable settlement despite the intervention of the ALC (C) during the conciliation proceedings, hence the reference.

8. Resisting the petitioner's claim on all counts, the Management contended that under the terms of Settlement No. 2 of 1973 the petitioner had no option in the matter, rather, he was duty bound to accept the offer or face the penalty of losing the promotion for full one year. They pleaded that his letter dated 26-2-1981 was quite explicit to expose his unwillingness to officiate as a Teller and, therefore, he had no legitimate grouse to ventilate. As a necessary sequence, it was submitted that his correspondence with the Management, including that at the level of Regional Manager, was quite superfluous. As a matter of fact it was aired that the Regional Manager's "bona-fide" attempt to explain the implications of the Settlement to the petitioner, erred on the side of unwarranted magnanimity.

9. Since the parties' pleadings were found to be fully covered under the terms of reference, therefore, they were called upon to adduce evidence in support of their respective versions. The petitioners filed his affidavit and offered himself for cross-examination whereas the Management examined one of their Managerial-staff-member Shri Rajinder Singh; of course, both the parties filed a number of documents also whose authenticity was not disputed from either side.

10. For the obvious reason, on behalf of the Management much stress was laid on the terms of Settlement No. 2 of 1973 dated 16-6-1973, reproduced in their Circular No. 417 dated 10-1-1979 (Copy Exh. M2). It was argued that the Settlement did not provide any such avenue where a workman could exercise any option in the matter of an offer to officiate as a Teller because it was self-contained agreement which categorically stipulated that the offer could be refused by the concerned workman only at the risk of unqualified deprivation for full one year. Elaborating his point, the I.d. representative of the Management contended that when the offer was made to the petitioner on 26-2-1981, he could not possibly wriggle out of the situation by pleading physical infirmity, and that his effort to drag the Senior Bank functionaries in unnecessary correspondence was highly misconceived. He, then concluded that since the Settlement did not confer any powers even on the Management to grant exemption in any special case therefore the Regional Manager should be deemed to have acted without jurisdiction in granting any chance to the petition for re-thinking.

11. In spite of seeming attraction, the submissions made on behalf of the Management failed to carry conviction with me. The pertinent point is that isolated appraisement and piece-meal amplification of evidence factual, circumstantial or both, has never been approved by judicial grammar.

Rather each and every proposition requires to be answered in the totality of the situation.

12. It may be interesting to note that when the parties were called upon to lead their evidence by way of affidavits, the petitioner submitted his own affidavit and offered himself for cross-examination but on behalf of the Management it was represented that since they did not have any dispute on any point of fact, therefore, they did not intend to cross-examine him. To put it in other words, the disclosures made by the petitioner that he had suffered a physical infirmity due to an accident and remained on leave for most of the time in the months of January and February 1981, was not controverted, similarly it was admitted that after joining duty on 25-2-1981, he represented for being spared from the posting of Teller in view of its strenuous physical demands and that his representation was supported by a Medical Certificate, which was also transmitted to the Regional Manager, all through proper channel.

13. To suffer a little deviation, there is no evidence on records to show that the petitioner was ever asked to officiate as a Teller at any time on or before 26-2-1981, in other words it may be said that he had represented for an indulgence on his own notion because of the peculiar circumstances in which he was placed. Of course, the Management would have us believe that a verbal offer was made to him and his refusal entered in the Bank's record, but the contention lacks credibility firstly because the extract from the relevant register filed by the Management, shows that no attempt was made by them to obtain his signatures in token of their alleged offer and his refusal, on the other hand the cross-examination of their own witness Rajinder Singh M. W. 1 reveals that normally the signatures of the concerned employee are obtained under the office orders but there is no explanation as to why this practice was not followed in the instant case.

14. Moreover, under article 519 of the Sastri Award the Management was obliged to issue a written direction to the petitioner and obtain his receipt to establish their version that an offer was made to him, similarly in case of his reluctance to issue the receipt, the management should have displayed the notice on the Notice Board of the Branch, or taken such other steps to ensure its service through postal agency etc.

15. Both according to para 9.10 of the First Bipartite Settlement and Para No. 1 of the Third Bipartite Settlement (applicable on the parties) the Management was required to make the offer to the petitioner by an Order in writing, particularly when the post of Teller belonged to a Higher level and carried a Special Allowance also. And it hardly requires any emphasis that there is no explanation for these lapses on the part of the Management, otherwise also, had there been any formal offer and its conscious rejection by the petitioner, the Management would have straight away applied the guillotine then and there on 26-2-1981, rather than indulge in correspondence with the Regional Offices.

16. As a matter of fact, the petitioner had just informed his Branch Manager as to how he was feeling the pangs of a physical infirmity and required a sympathetic consideration for a lighter job. In his discretion, the Branch Manager involved his Regional Manager also to deal with the petitioner's representation. It was against this back-drop that the Regional Manager deemed it proper to explain the implications of the 1973 Settlement to the petitioner and asked him to exercise his option with open eyes. In my considered opinion, his conduct was quite commendable in the sense that instead of failing an easy prey to the myopic technicalities of the Settlement, he played fair in apprising the petitioner that in case he rejected any offer, he was likely to lose the chance for full one year.

17. At the risk of repetition it may be recorded that on 10-3-1981 when confronted with the proposal of the Regional Manager to exercise his option, the petitioner readily agreed to officiate as a Teller regardless of his illness. Even otherwise, a simple expression of his inability to perform the job due to certain physical limitations could not tantamount to refusal which had to be deliberate and intentional. At its worst, it was a sort of reluctance which he wanted to be condoned on medical grounds, an aspect which unfortunately escaped the imagination of the formulators of the Agreement.

18. Thus, to sum up my aforesaid discussion on the limited available data and the points raised before me, on sustaining the petitioner's claim, I hold that the Management was not justified in passing the impugned order debarring him from officiating as a Teller for one full-year from 26-2-1981 onwards. Accordingly, I return my Award in his favour and direct the Management to pay him a consolidated amount of Rs. 643-69 only (Rs. Six hundred forty three and paise sixty nine) which would have accrued to him as a Special Allowance on various assignments of a Teller during the aforesaid period.

Chandigarh.

6-6-1984.

I. P. VASISHTH, Presiding Officer
[No. L-12012/248/81-D. II(A)/D. IV(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 25 जून, 1984

कानून 2217—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा-5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अपने विभाग के अवर सचिव, श्री राजीत मित्र को 25 जून, 1984 से अगले धावेश जारी होने तक उत्प्रवासी संस्कृती-1, बम्बई के सभी कार्य करने के लिए प्राधिकृत करती है।

[संख्या ए०-२२०१२/३/८४-एमी एशन-II]
श्रावण नारायणस्वामी, उप सचिव

New Delhi, the 25th June, 1984.

S.O. 2217.—In exercise of the powers conferred by section 5 of the Emigration Act 1983 (31 of 1983), the Central Government hereby authorises Shri Rajeev Mitter, Under Secretary, Department of Labour to perform all functions of Protector of Emigrants-1, Bombay with effect from 25th June, 1984 till further orders.

[No. A-22012(3)/84-EMIG.II]
R. NARAYANASWAMI, Dy. Secy.

New Delhi, the 25th June, 1984

S.O. 2218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Bachra Colliery of M/s. Central Coalfields Limited, and their workmen, which was received by the Central Government on the 16th June, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 41 of 1983

PARTIES :

Employers in relation to the management of Bachra Colliery of Messrs Central Coalfields Limited,
AND
Their Workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.

APPEARANCES :
For the Employers.—Shri R. S. Murty, Advocate.
For the Workmen.—Shri Maheshwar Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal
Dhanbad, the 12th June, 1984

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act,

1947, the Central Government in the Ministry of Labour has, by Order No. L-20012(51)/83-DH (A) dated the 20th May, 1983, referred the following dispute to this tribunal for adjudication.

"Whether the action of the management of Bachra Colliery, Central Coalfields Limited (Razabagh) in superannuating Shri Jagdish Sakul, Security Guard, with effect from 21-10-1982 without referring his case to the medical board/age reviewing committee, as being done in other doubtful cases of the same nature, is reasonable and justified? If not, to what relief is the workman entitled?"

2. The case of the management of Bachra and Ray collieries of M/s Central Coalfields Limited is that the concerned workman Jagdish Sakul was employed in the year 1953 as Security Guard by the erstwhile owner of Ray Colliery when it was a private colliery. The said Ray Colliery was taken over by the Central Government with effect from 1-1-1973 and later on it was nationalised with effect from 1-5-1973 under the Coal Mines (Nationalisation) Act, 1973. Thereafter as a result of re-organisation of the coal industry in the public sector with effect from 1-1-1973 and the establishment of Coal India Ltd. as a holding company with five subsidiary companies including the Central Coalfields Ltd. (which was formerly known as the National Coal Development Corporation Ltd.), Ray Colliery became a part of the said Central Coalfields Ltd. and the concerned workman continued in the employment of Ray Colliery as Security Guard under the Central Coalfields Ltd. When the Ray Colliery was initially taken over and thereafter nationalised as aforesaid, the service records of the employees of Ray Colliery were practically non-existent and the dates of birth of many employees including that of the concerned workman were also not available. According to the rules/circulars of the management, in the absence of the date of birth of an employee in the basic records of the management, the date of birth/age as entered in Form 'A' by the employer when he was enrolled as a member of the Coal Mines Provident Fund is to be taken into account for the purpose of superannuation. As per service conditions of workmen of the management of M/s. Central Coalfields Ltd., the age of superannuation of the workmen is 60 years. Since informations regarding the date of birth/age of the concerned workman as well of a large number of other workmen of Ray Colliery were not available with the management, such informations were collected by the management from the office of the Coal Mines Provident Fund at Ranchi, as Ray Colliery falls within its jurisdiction. The aforesaid informations were collected from the office of the Coal Mines Provident Fund at Ranchi by Sri R. D. Pandey, the then Personnel Officer/Labour Welfare Officer of Ray and Churi Collieries, after going through the records of the Coal Mines Provident Fund office at Ranchi on 24-6-80. The office of the Coal Mines Provident Fund at Ranchi was, however, not willing to furnish such informations to the management in writing because of some cases of malpractices in the office of the Coal Mines Provident Fund Organisation earlier. The informations collected from the records of the Coal Mines Provident Fund office at Ranchi were, however, duly recorded by Sri R. D. Pandey and as per the above information so collected and recorded by Sri R. D. Pandey the date of birth of the concerned workman was 1-1-1918 as entered in his Form 'A' maintained by the office of the Coal Mines Provident Fund at Ranchi, and, on the basis of the same, an entry regarding his date of birth being 1-1-1918 was also made in his service records which was duly attested by him by affixing his thumb impression and signature. On the basis of the above information regarding his date of birth being 1-1-1918, the date of his superannuation was 1-1-1978 on completion of 60 years of age. He was, however, not superannuated with effect from 1-1-1978 as the management did not have by that time information regarding his date of birth and, even later he could no be re-irred for sometime due to losses on the part of the office staff. He was, however, retired with effect from 26-10-1982. It will thus be evident that he remained in the service of the management for more than four years even after he attained the age of superannuation. He was aware of having attained the age of superannuation much earlier and that the management was going to superannuate him. He, however, tried to forestall this by producing a so called certificate from the school

where he was supposed to have studied showing his date of birth as 1-7-1925 and he also filed an affidavit to the same effect. Since the Certificate on the face of it appeared to be fictitious and not reliable, the management could not accept the said certificate in the face of the Coal Mines Provident Fund records which showed his date of birth as 1-1-1918. In face of the entries in the Coal Mines Provident Fund records there could be no doubt whatsoever about the date of his birth being 1-1-1918. In fact, even his very appearance and state of his physique and health and signs of senility indicate that he had long ago completed/attained the age of 60 years and that he is not capable of doing any work—much less hard work. The management's rules do not provide for an employee under these circumstances being produced before the Medical Board or Age Reviewing Committee for determining his age and in view of there being no doubt about his date of birth being 1-1-1918 there can be no question of his case being referred to the Medical Board or Age Reviewing Committee. The presumption contained in the order of reference that in similar other doubtful cases of the same nature the cases were referred to the Medical Board/Age Reviewing Committee is baseless and untenable. The management was justified in superannuating him with effect from 21-10-82 and in not referring his case to the Medical Board/Age Reviewing Committee and his contention that the date of his birth is 1-7-1925 and that he has a right to continue in service till 1-7-1985 is untenable and unjustified. According to the management, the present dispute is not an "industrial dispute" within the meaning of Sec. 2(b) of the Industrial Disputes Act, 1947 as it has not been sponsored by any body of workmen or any trade union but has been initiated by the concerned workman himself and since it is a case of superannuation and not a case of termination of service, it is also not an "industrial dispute" even under Sec. 2-A of the Act which could be initiated by the concerned workman himself and hence the present reference under section 10 of the Act is bad in law. On these grounds the contention of the management is that the concerned workman is not entitled to any relief.

3. The case of the concerned workman, on the other hand, is that he was appointed in 1965 as Security Guard by the erstwhile owner of Ray Colliery and since then he had been working as such having unblemished record of service. In the year 1973 the Ray Colliery was nationalised and taken over by the Central Government and subsequently his services were transferred to Central Coalfields Ltd. In the first half of 1981 he received information that the management was thinking of terminating his service on the ground of his allegedly reaching the age of superannuation. There was nothing on the records of the management to suggest his age, but the Manager of the Ray Colliery being personally biased against him was bent upon to terminate his service. He thereupon submitted a photostat copy of his school leaving certificate showing his date of birth as 1-7-1925 and also an affidavit sworn by him to that effect to the management and requested the management vide letter dated 12-6-81 to correct the entry regarding his age in his service records. After submission of the school leaving certificate and the affidavit in proof of his age, the management was satisfied and convinced and it accepted the said two documents and thereafter the management did not react in any manner for a long time. After one year and four months of the production of the school leaving certificate and affidavit along with his aforesaid letter dated 12-6-81, the management, however, all on a sudden and abruptly and illegally terminated his service by letter dated 20-10-1982 with effect from 21-10-82 on the ground of his allegedly crossing the age of superannuation. Thereupon he made demand raising industrial dispute with the management vide his letter of demand dated 13-11-82 requesting the management to withdraw the letter of termination of service dated 20-10-82 as it was illegal and unjustified and to reinstate him with back wages. Since the date of his birth is 1-7-1925 he has a right as per the terms and conditions of his employment to continue in service till he attains the age of 60 years on 1-7-1985 and he is also physically fit and strong and mentally sound and is capable of doing hard work. The Labour Union, of which he has been a member, had also made complaint vide its letter dated 27-11-82 addressed to the General Manager (N.K.) Central Coalfields Ltd. regarding the illegal termination of his service on the alleged ground of superannuation, but the management did not respond

to that. Thereafter he made complain to the Asstt. Labour Commissioner (C), Ranchi, who initiated conciliation proceedings in course of which the management submitted its comments vide its letter dated 3-1-83 to which he submitted his reply vide letter dated 10-1-85. In its above letter dated 3-1-85 the management disclosed that his date of birth was 1-1-1918 which the management had gathered from the records of the Coal Mines Provident Fund office at Ranchi. Immediately thereafter he made anxious enquiry in the office of the Coal Mines Provident Fund at Ranchi and he also filed a petition dated 6-1-83 addressed to the Asstt. Coal Mines Provident Fund Commissioner, Ranchi for issuance of a certificate showing the date of his birth as entered in Coal Mines Provident Fund records. He was, however, not issued any certificate as demanded on some technical ground but he was told that there was no entry regarding the date of his birth in the Coal Mines Provident Fund records as contended by the management. In the conciliation proceedings before the Asstt. Labour Commissioner (C), Ranchi, the management did not accede to his valid demand nor it agreed for arbitration and thus the conciliation proceedings came to an end leading to the present reference. The action of the management in terminating his service on alleged ground of superannuation is illegal and unjustified and non-reasonable as his date of birth is 1-7-25 and he would retire on 30-6-85 after attaining the age of 60 years which is the age of superannuation. His school leaving certificate and affidavit are on the records of the management which support his date of birth as 1-7-1925. The management made the issue of his date of his birth or age a disputed one but failed to refer the same to the Civil Surgeon of the district or to the Age Reviewing Committee or to any Medical Board to be constituted by the management for determination of his age as is generally and normally done as per procedure and rules to that effect in the event of any disputed or doubtful case. His case being thus not a case of superannuation, rather it being a case of simple termination of service, it is void ab initio as the procedure laid down under section 25-F of the Industrial Disputes Act, 1947 has not been observed by the management. On these grounds his contention is that the action of the management in superannuating him with effect from 21-10-82 is unjustified and unreasonable and that he is entitled to reinstatement with all back wages and other facilities.

4. One witness has been examined on behalf of the management and two witnesses have been examined on behalf of the concerned workman and some documents have been exhibited on either side.

5. Before dealing with the oral and documentary evidence adduced by the parties in support of their respective cases, it would be useful to refer to the two circulars of the Central Coalfield, Ltd. on the subject of procedure for determination/verification of the age of the employees. One circular is dated 17-5-78 (Ext. M-3) issued by the General Manager (Personnel) of the Central Coalfields Ltd. It lays down that (a) the date of birth of an employee as determined by the Medical Officer at the time of initial recruitment of the employee (b) the date of birth as entered in the matriculation certificate of an employee prior to his entering the service of the company and (c) the date of birth age as recorded in the Army Discharge Certificate of ex-servicemen will be treated as correct and final and will not be altered under any circumstances and (d) in case of an employee not covered by (a), (b) and (c) above the date of birth declared by him in writing to the management which has been accepted by the management will stand unaltered. It further lays down that where the date of birth of an employee has not been determined in the manner indicated in (a), (b), (c) and (d) above the date of birth as declared by him for the purpose of enrolment to the Coal Mines Provident Fund will be taken as final but this date may be altered if on notification to the employee in writing he challenges it and in that case his date of birth will be determined by the Age Committee constituted by the General Manager of the area consisting of the Project Officer, Medical Officer and Labour Officer and an appeal would lie against the decision of the Age Committee to the Appellate Committee.

6. The other circular is dated 2-3-1981 (Ext. M-4) issued by the Personnel Manager of the Central Coalfields Ltd. forwarding herewith a copy of Implementation Instruction No. 37 received from the Member Secretary, J B C C I C/o Coal India Ltd., Calcutta, issued vide JBCCI/IR/94/IMP/

11.3 dated 5-2-81 along with it, encloses, on the subject of procedure for determination/verification of the age of the employees. It, firstly, lays down the procedure for determination of the age at the time of first appointment according to which (i) in case of appointees who have passed matriculation or equivalent examination, the date of birth recorded in his certificate shall be treated as correct date of birth and the same will not be altered under any circumstances, (ii) in the case of non-matriculates but educated appointees who have pursued studies in recognised education institution, the date of birth recorded in the school leaving certificate shall be treated as correct date of birth and the same will not be altered under any circumstances, (iii) in the case of ex-servicemen who are not matriculate, the date of birth recorded in the Army Discharge Certificate shall be treated as correct date of birth and the same will not be altered under any circumstance, and (iv) in the case of illiterate appointees who are not covered by (i), (ii) and (iii) above, the date of birth will be determined by the Colliery Medical Officer keeping in view any documentary or other relevant evidence as may be produced by the appointee and the date of birth so determined shall be treated as correct date of birth and the same will not be altered under any circumstances. It, secondly, lays down the procedure for review/determination of the date of birth in respect of existing employees according to which where there is no variation in records, such cases will not be re-opened unless there is a very glaring and apparent entry brought to the notice of the management and the management after being satisfied on the merits of the case will take appropriate action for correction through Age Determination Committee/Medical Board; and wherever there are variations, a suitable provision for Age Determination Committee/Medical Board constituted by the management would be made and for determination of the age, the committee referred to above may consider the evidence available with the colliery management and/or adduced before it by the employee and the decision of the committee will be binding and final; and this procedure came into force with immediate effect and it superseded the existing procedure/orders, if any, on the subject.

7. The concerned workman Jagdish Sukul, Security Guard, was admittedly superannuated by the management by its letter dated 20-10-82 (Ext. W-1) with effect from 21-10-82 when the aforesaid second circular dated 2-3-81 (Ext. M-4) was in force and it is in that background that the present reference has been made by the Central Government in the Ministry of Labour as to whether the action of the management in superannuating Jagdish Sukul, Security Guard, with effect from 21-10-82 without referring his case to the Medical Board/Age Reviewing Committee, as being done in other doubtful cases of the same nature, is reasonable and justified; and, if not, to what relief is the workman entitled.

8. The contention of the management is that the date of birth of the concerned workman Jagdish Sukul as entered in form 'A' submitted to and maintained by the Coal Mines Provident Fund office at Ranchi is 1-1-1918. In this connection the management relies on the informations collected by Sri Ramadhar Pandey (MW-1), the then Personnel Officer/Welfare Officer of Ray & Churi Collieries after going through the relevant records on 24-6-80 in the office of the Coal Mines Provident Fund at Ranchi which were recorded by him in his note Ext. M-6 in pencil in which the date of birth as noted against the name of the concerned workman Jagdish Sukul is 1-1-1918. In this connection, Sri Ramadhar Pandey (MW-1) has deposed that Ray Colliery was nationalised in the month of January, 1973 and subsequently it merged in Bachra Colliery and he worked in Ray Colliery from August 1979 to December 1980 as Labour Welfare Officer and while he was working as Labour Welfare Officer in Ray Colliery he was entrusted with the work of collecting the dates of birth of the old employees of Ray Colliery who were working prior to the nationalisation of the colliery in January 1973 from the Regional Office of the Coal Mines Provident Fund at Ranchi and he along with his clerk Rash Bihari Singh had gone to the Regional Office of the Coal Mines Provident Fund at Ranchi on 23-6-80 to collect the aforesaid informations regarding the dates of birth of those employees of Ray Colliery from Forms 'A' of the employees which contain the dates of birth and he had talked to the Regional Commissioner, Coal Mines Provident Fund who at first declined to furnish the said informations whereafter he had been to the General Manager (Personnel), Central

Coalfields Ltd., Ranchi, to convey it to him that the Regional Coal Mines Provident Fund Commissioner had declined to furnish the required informations and thereafter the General Manager (Personnel), Central Coalfields Ltd. telephoned to the Regional Commissioner to supply the aforesaid informations and thereafter he along with the above named clerk had again gone to the Regional Commissioner whereupon the Regional Commissioner ordered his assistant to supply the Forms 'A' of the employees for taking down the details and he got the said Form 'A' and on the basis of the said Forms 'A' his clerk Rash Bibari Singh took down the names of the employees and dates of their birth in his presence. He has proved the statement (Ext. M-6) to be entirely in the handwriting of the said clerk Rash Bibari Singh showing the names of the employees and dates of their birth as mentioned in respective Form 'A' of different employees of Ray colliery. He has further stated that the statement had been prepared in two days and it was signed on each page by him as well as by the said Rash Bibari Singh on 24-6-80 and the said statement also contains the name of the concerned workman Jagdish Sukul with his date of birth as 1-1-1918 as gathered from his Form 'A' maintained in the Regional Office of the Coal Mines Provident Fund at Ranchi. In his cross-examination he has stated that he tried his best to get the said statement Ext. M-6 signed by the authorities of the Coal Mines Provident Fund at Ranchi but they declined to sign the same. In this connection it is worthwhile to mention that on 7-9-83 the management filed a petition for issuing summons to the Regional Provident Fund Commissioner, Coal Mines Provident Fund, Ranchi, to produce the aforesaid Form 'A' in respect of the concerned workman Jagdish Sukul on which the management relied for its contention that the declared age of the concerned workmen in his said Form 'A' is 1-1-1918. Accordingly summons was issued to the Regional Provident Fund Commissioner, Coal Mines Provident Fund, Ranchi, to produce the said Form 'A' in respect of the concerned workman Jagdish Sukul. The Regional Commissioner, Coal Mines Provident Fund, Ranchi, however, in his letter dated 10-11-1983 (Ext. W-7) informed the Tribunal that declaration in Form 'A' in respect of the concerned workman Jagdish Sukul had not been submitted to his office. Thereafter the management by another petition dated 13-3-84 prayed for summoning the Regional Commissioner, Coal Mines Provident Fund, Ranchi, to produce the Coal Mines Provident Fund membership register of Ray colliery in which the name, date of birth and other details of the concerned workman appear whereupon summons was accordingly issued but that has not been produced. However, in view of the categorical statement of the Regional Commissioner, Coal Mines Provident Fund, in his letter dated 10-11-1983 (Ext. W-7) that declaration in Form 'A' in respect of the concerned workman Jagdish Sukul had not been submitted to his office, no reliance can be placed on the statement (Ext. M-6) prepared on 23-6-1980 by Rash Bibari Singh, a clerk of Ramadhar Pandey (MW-1) showing the date of birth of the concerned workman Jagdish Sukul as 1-1-1918 allegedly on the basis of the age declared by him in his Form 'A' purported to have been submitted and maintained in his office of the Regional Commissioner, Coal Mines Provident Fund, Ranchi.

9. Another document on which the management places reliance in support of its case that the date of birth of the concerned workman Jagdish Sukul is 1-1-1918 is his service register, a photostat copy of which is Ext. M-1, the original of which has also been produced by the management which is on the record. A look at the original service register of Jagdish Sukul would show that it bears his thumb impression and signature and it was also attested on 8-6-81 by the colliery manager, Ray colliery. In the service register there is a column for filling up the date of birth but it appears to have been left blank in the beginning and then subsequently filled in different ink as 29-8-1948 which is nobody's case and then it appears to have been penned through and written as "as per C.M.P.F. record 1-1-1918". Since the said date 1-1-1918 as the date of birth of Jagdish Sukul in his service register has been subsequently entered in a different ink as per Coal Mines Provident Fund record as collected by Sri Ramadhar Pandey (MW-1) and recorded by his clerk Rash Bibari Singh in the Statement Ext. M-6 which has already been rejected above as unreliable and undependable, the said entry regarding his date of birth as subsequently made in his service register cannot also be relied upon.

10. The management has produced no other documentary or oral evidence in support of its case regarding the date of birth of Jagdish Sukul being 1-1-1918. The result is that there is no reliable evidence in support of the management's case regarding the date of birth of Jagdish Sukul being 1-1-1918.

11. It is worthwhile to mention here that after the concerned workman received information that his date of birth had been wrongly recorded in his service register as 1-1-1918, he made a representation dated 12-6-81 (Ext. W-2) to the Manager, Ray Colliery, for correction of his date of birth asserting that his date of birth is 1-7-1925 and in support of that he also filed a photostat copy of his school leaving certificate showing therein the date of his birth as 1-7-1925 and he also filed an affidavit sworn by him to the same effect. The original of the said school leaving certificate is Ext. W-10 which shows that during his boyhood he was a student of Junior High School, Nagra, Dist. Balia and that his date of birth was 1-7-1925 and the date of his first admission in the school was 5-9-1939 and the date of his last admission in the school was 12-11-1941 and he left the school on 18-3-1943 after passing Class III. The said original school leaving certificate Ext. W-10 has been proved by Sri Ram Singh, Head Master of the Junior High School, Nagra as having been issued by him on 20-5-1981 under his signature. He had also brought the counterfoil book from which the said school leaving certificate (Ext. W-10) had been issued and he has also proved its counterfoil under his signature which has been marked Ext. W-11. He had also brought two admission registers of his school, one for the period 1934 to 1940 and the other for the period 1940-1946 and with reference to those two admission registers he has deposed that Jagdish Sukul was for the first time admitted in that school in the year 1939 but his name was subsequently struck off for non-payment of fees and thereafter he again took his admission in the school in August 1941 but again his name was struck off and thereafter he took his admission for the third time in the school in November, 1941. He has proved entry No. 989 in the admission register of the school for the period 1934 to 1940 relating to the admission of Jagdish Sukul in the school on 5-9-1939 which has been marked Ext. W-12 in which the date of birth of Jagdish Sukul is mentioned as 1-7-1925. He has also proved entry No. 1255 in the admission register for the year 1940 to 1946 relating to the admission of Jagdish Sukul on 2-8-1940 which has been marked Ext. W-13 in which also the date of birth of Jagdish Sukul is mentioned as 1-7-1925. He has further proved entry No. 1268 in the same admission register for the period 1940 to 1946 relating to the admission of Jagdish Sukul on 12-11-1941 which has been marked Ext. W-14 in which also the date of birth of Jagdish Sukul is mentioned as 1-7-1925. It was with reference to these entries in the admission registers that the date of birth of Jagdish Sukul was mentioned as 1-7-1925 and the date of his first admission was mentioned as 5-9-1939 and the date of his last admission was mentioned as 12-11-1941 in the school leaving certificate Ext. W-10. In his cross-examination he has stated that he had seen Jagdish Sukul as he himself was also at one time a student of the same school, namely, the Junior High School, Nagra of which Jagdish Sukul was a student and that in the school he was two classes junior to Jagdish Sukul. When the cross-examining lawyer for the management challenged him to show if his name was entered in the admission register which he had brought and produced in court, he showed entry no. 1444 of the admission register for the years 1940 to 1946 where his name Sri Ram Singh is entered as having been admitted in the school on 15-7-43. This proves the genuineness and authenticity of the admission registers produced by Sri Ram Singh (WW-2), Head Master of the Junior High School, Nagra. At the instance of the cross-examining lawyer the signature of the Sub-Deputy Inspector of schools on the back of the counterfoil (Ext. W-11) of the school leaving certificate (Ext. W-10) issued on 20-5-81 has also been proved by Sri Ram Singh (WW-2) and marked as management's Ext. M-7. Sri Ram Singh (WW-2) has further stated that the concerned workman Jagdish Sukul had not gone to him for the school leaving certificate and that his brother Sri Mahesh Sukul had gone to him for the certificate and it was the said Mahesh Sukul who had taken the certificate (Ext. W-10) on 20-5-81 after signing on the back of its counterfoil Ext. W-11 and that the same Mahesh Sukul had also subsequently taken a duplicate copy of the said certificate on 16-7-81, the counterfoil of which has been got

marked by the management as its Ext. M-8, Ext. W-3 is a photostat copy of the affidavit dated 11-6-81 sworn by the concerned workman Jagdish Sukul before an Executive Magistrate, Ranchi to the same effect that his date of birth is 1-7-1925 which is recorded in the school register of Junior High School, Nagra, Dist. Balia. There seems to be no reason to disbelieve the aforesaid school leaving certificate (Ext. W-10) and the entries (Exts. W-12, W-13 and W-14) in the admission registers of the Junior High School, Nagra, Dist. Balia, which show the date of birth of the concerned workman Jagdish Sukul as 1-7-1925 and which is also supported by the affidavit dated 11-6-81 (Ext. W-3) sworn by Jagdish Sukul himself before an Executive Magistrate, Ranchi.

12. The management, however, does not appear to have replied to the said representation dated 12-6-81 (Ext. W-2) of the concerned workman Jagdish Sukul in which he had on receiving information that his date of birth had been wrongly recorded in his service register as 1-1-1918 had applied for its correction asserting that his date of birth is 1-7-1925 and in support of which he had also enclosed a photostat copy of his school leaving certificate showing his date of birth as 1-7-1925 and had also enclosed an affidavit sworn by him in support of his date of birth being 1-7-1925. On the other hand, the management, after about one year and four months of the said representation dated 12-6-81 (W-2) of the concerned workman Jagdish Sukul, by its letter dated 20-10-82 (Ext. W-1) stopped him from duty with effect from 21-10-82 on the ground that he had already crossed the age of superannuation. This complete silence on the part of the management for about one year and four months after the receipt of the aforesaid representation dated 12-6-81 (Ext. W-2) of the concerned workman Jagdish Sukul before superannuating him by letter dated 20-10-82 (Ext. W-1) and stopping him from duty with effect from 21-10-82 is intriguing. This silence on the part of the management for about one year and four months lends support to the case of the concerned workman that after he had submitted his school leaving certificate showing his date of birth as 1-7-1925 supported by his affidavit along with his representation dated 12-6-81 (Ext. W-2) to the management for correction of his date of birth in the service register, the management was satisfied and convinced and it accepted the said two documents and thereafter the management did not react in any manner for a long time but after one year and four months thereafter all of a sudden and abruptly and illegally the management terminated his service with effect from 21-10-82 on the ground of his having allegedly crossed the age of superannuation.

13. On behalf of the concerned workman some more documents have been exhibited but they are not of much importance as they are all after the letter dated 20-10-82 (Ext. W-11) issued to him by the Project Officer Bachra colliery, informing him that he had already crossed the age of superannuation and stopping him from duty with effect from 21-10-82. Ext. W-8 is a letter of demand dated 13-11-82 written by the concerned workman to the Project Officer, Bachra colliery stating that his date of birth is 1-7-1925 in support of which he had already submitted his school leaving certificate and affidavit along with his representation dated 12-6-81 (Ext. W-2) and hence he had a right to continue in service till he attains the age of 60 years on 1-7-1985 and that the order dated 20-10-82 by which his services had been terminated with effect from 21-10-82 was illegal which may be re-called and he be allowed to continue in service and paid wages/salary for the period from 21-10-82 to the date of his re-joining the service. Ext. W-9 is a similar letter dated 27-11-82 written by Sri S. K. Mishra, Organising Secretary of the Rashtrava Colliery Mazdoor Sangh North Karanpura Area to the General Manager (North Karanpura), Central Coalfields Ltd. making similar demand in which he asserted that the termination of services of the concerned workman Jagdish Sukul with effect from 21-10-82 on the alleged ground of superannuation was illegal and further made a request to re-call the illegal order of termination and to allow the concerned workman to continue in service till he attains the age of superannuation according to his school leaving certificate in which his date of birth was mentioned as

1-7-1925. Ext. W-4 is the letter dated 3-1-1983 from the Project Officer, Bachra colliery to the Asstt. Labour Commissioner (C), Ranchi, containing the management's comments on the demand of the concerned workman made in the conciliation proceeding. Ext. W-5 is a copy of the conciliation proceeding dated 28-1-83 and Ext. W-6 is the failure report dated 31-1-83 submitted by the Asstt. Labour Commissioner (C), Ranchi, to the Secretary, Ministry of Labour, Government of India. These documents do not call for any comments.

14. From what has been discussed above it is clear that in view of the categorical statement of the Regional Commissioner, Coal Mines Provident Fund, Ranchi in his letter dated 10-11-1983 (Ext. W-7) that declaration in Form 'A' in respect of the concerned workman Jagdish Sukul had not been submitted to his office, no reliance can be placed on the statement (Ext. M-6) prepared on 23-6-80 and 24-6-80 by Sri Rash Bihari Singh, a clerk of Sri Ramadhar Pandey (MW-1) showing the date of birth of the concerned workman Jagdish Sukul as 1-1-1918 allegedly on the basis of the age declared by him in his Form 'A' said to have been submitted to and maintained in the office of the Regional Commissioner, Coal Mines Provident Fund, Ranchi or on the entry of his date of birth in his service register (Ext. M-1) as 1-1-1918 made on 8-6-81 on the basis of the said statement (Ext. M-6) and the only reliable document on the record is the school leaving certificate (Ext. W-10) of the concerned workman Jagdish Sukul showing his date of birth as 1-7-1925 which is supported by the entries (Exts. W-12, W-13 and W-14) in the admission register of the Junior High School, Nagra, Dist. Balia and also by the affidavit dated 11-6-81 (Ext. W-3) sworn by Sri Jagdish Sukul himself before an Executive Magistrate, Ranchi, which the concerned workman had submitted to the management along with his letter dated 12-6-81 (Ext. W-2) in which he had prayed for correction of his date of birth in his service register as 1-7-1925 instead of 1-1-1918 which had been wrongly recorded therein. In these circumstance it was incumbent on the management to refer the concerned workman to the Age Determination Committee/Medical Board constituted by the management for review/determination of the date of birth of the concerned workman who was an existing employee as envisaged in the circular dated 2-3-81 (Ext. M-4) issued by the Personnel Manager of the Central Coalfields Ltd., forwarding therewith a copy of implementation instruction no. 37 received from the Member-Secretary, J.B.C.C.I. Clo Central Coalfields Ltd., Calcutta issued vide JBCCL/IR/94/IMP/1173 dated 5-2-1981 along with its enclosures on the subject of procedure for determination/verification of the age of the employees. But the management, for the reasons best known to it, did not do it and instead, after keeping silent for about one year and four months after the receipt of the aforesaid representation dated 12-6-81 (Ext. W-2) from the concerned workman Jagdish Sukul for correction of his age in his service register as 1-7-1925 on the basis of the school leaving certificate (Ext. W-10) and the affidavit (Ext. W-3), suddenly and abruptly issued the letter dated 20-10-82 (Ext. W-1) superannuating him and stopping him from duty with effect from 21-10-82, although according to his date of birth 1-7-1925 as entered in his school leaving certificate (Ext. W-10) he was entitled to continue his service till he attained the age of 60 years on 1-7-1985 (forenoon). The action of the management therefore, in superannuating the concerned workman Jagdish Sukul Security Guard, with effect from 21-10-82 without referring his case to the Medical Board/Age Reviewing Committee as required to be done in doubtful cases of this nature under the aforesaid circular dated 2-3-1981 (Ext. M-4) cannot be held to be either reasonable or justified and in that view of the matter the concerned workman is entitled to be reinstated with full back wages with effect from 21-10-82 from which date he was prematurely superannuated and stopped from duty which amounted to termination of his service.

15. In this connection Sri Maheshwar Singh, Advocate, appearing on behalf of the concerned workman, has cited a decision of the Supreme Court in the case of Sajjan Prasad Vs. The General Manager and another (1981 Lab. I.C 880). In that case an employee claimed that his date of birth is

July 25, 1927 and this birth date is entered in his High School certificate. This date of birth of the employee was once accepted by the management in 1951. Subsequently, however, the management, without giving an opportunity of hearing to the employee, changed the date of birth to the disadvantage and prejudice of the employee and retired him from service. On these facts it was held by the Supreme Court that the date of birth of an employee without notice and without giving opportunity to him cannot be altered to his disadvantage and prejudice because an administrative order which involves civil consequences must be made in conformity with the rule of natural justice which at its lowest minimum requires notice and opportunity to the person affected thereby and that admittedly having not been done in that case the Supreme Court set aside the order retiring the employee from service as well as the order correcting the birth date, and the Supreme Court further held that the workman under the orders of the Court continues to be in service and will continue to be in service but it will be open to the management if it so desires and considers it necessary to hold the enquiry about the correct birth date afresh after giving notice and opportunity of hearing and producing evidence on either side in this case.

16 Following the aforesaid decision of the Supreme Court in the case of Sarjoo Prasad Vs General Manager and another (supra) it is, therefore, also held in the instant case that the concerned workman Jagdish Sukul after his retirement with effect from 21-10-82 as Security Guard will continue to be in service till he attains the age of superannuation i.e. 60 years on 17-1985 (forenoon) as per his date of birth 17-1925 mentioned in his school leaving certificate (Ext W-10) but in the meantime it will be open to the management if it so desires and considers necessary to get his age determined by the Age Determination Committee/Medical Board constituted by the management as envisaged in the circular letter dated 2-3-81 (Ext M-4) issued by the Personnel Manager of Central Coalfields Ltd whereupon the parties will abide by the decision of the Age Determination Committee/Medical Board which will be final and binding on them, but not so as to affect the benefits accrued to the concerned workman under this award for the period prior to the date of such decision of the Age Determination Committee/Medical Board.

17 Before parting with this award I would also like to dispose of a technical point raised by the management in its written statement which was also pressed by Sri R S Murty, Advocate, appearing on behalf of the management at the time of hearing. The point urged by him was that the present dispute is not an "industrial dispute" within the meaning of section 2(k) of the Industrial Disputes Act 1947 as it has not been sponsored by any body of workmen or any trade union but has been initiated by the concerned workman himself, and since it is a case of "superannuation" and not a case of "termination of service" it is also not an "industrial dispute" even under section 2 A of the Act which could be initiated by the concerned workman himself and hence the present reference under section 10 of the Act is bad in law. In this connection he has also cited a decision of the Supreme Court in the case of United Provinces Electric Supply Co Ltd Vs T N Chatterjee and others (AIR 1972 SC 1201) in which while making a distinc-

tion between 'termination of service' and 'superannuation' or 'retirement' it has been held with reference to the Industrial Employment (Standing Orders) Act, 1940 that neither item 8 nor item 9 of the schedule to the Act no. para 16 of the Model Standing Orders contained in schedule I of the Industrial Employment (Standing Orders) Central Rules, 1946 covers termination of employment on attaining the age of superannuation and it was for the first time that on November 17, 1959 item 11 (1) relating to Superannuation and retirement was introduced by the State of Uttar Pradesh in exercise of the powers making powers conferred by section 15 of the Act. That decision of the Supreme Court which is with reference to another Act, namely Industrial Employment (Standing Orders) Act, 1946 and the Model Standing Orders contained in schedule I of the Industrial Employment (Standing Orders) Central Rules, 1946 has, however, got no application, while deciding the present point raised under the Industrial Disputes Act 1947. It is true that the management by its letter dated 20-10-82 (Ext W-1) had stopped the concerned workman from duty with effect from 21-10-82 on the ground that he had already crossed the age of superannuation, but it has all along been the case of the concerned workman right from his making demand to the management in his letter dated 13-11-82 (Ext W-8) to his written statement in the present reference that his services had been abruptly and illegally terminated in the garb of premature superannuation and that being so the present case in point and substance is a case of termination of service which is squarely covered by section 2A of the Industrial Disputes Act, 1947, and the present disputes, therefore, certainly an "industrial dispute" within the meaning of the said section which could be validly initiated by the concerned workman himself and hence the reference under section 10 of the Act is quite competent and valid.

18 In the result, it is held that the action of the management in superannuating the concerned workman Jagdish Sukul, Security Guard with effect from 21-10-82 without referring his case to the Medical Board/Age Reviewing Committee is neither reasonable nor justified. The concerned workman Jagdish Sukul is ordered to be reinstated with effect from 21-10-82 with all back wages and he will ordinarily continue in service till he attains the age of superannuation i.e. 60 years on 17-1985 (forenoon) as per his date of birth 17-1925 mentioned in his school leaving certificate (Ext W-10). But in the meantime it will be open to the management if it so desires and considers necessary to get his age determined by the Age Reviewing Committee/Medical Board constituted by the management as envisaged in the circular letter dated 2-3-1981 (Ext M-4) issued by the Personnel Manager of Central Coalfields Ltd forwarding therewith a copy of implementation instruction no 37 received from the Member-Secretary JBCCI/IR/94/IMP 1173 dated 5-2-1981 along with its enclosures on the subject of procedure for determination/verification of the age of the employees whereupon the parties will abide by the decision of the Age Determination Committee/Medical Board which will be final and binding on them but not so as to affect the benefits accrued to the concerned workman under this award for the period prior to the date of such decision of the Age Determination Committee/Medical Board. The reference is answered and the award is made accordingly. But in the circumstance of the case there will be no order as to cost.

MANOPANJAN PRASAD Presiding Officer
[No I-20012(51)83-D III(A)]
A V S SARMA, Desk Officer